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*This book belonged to the
late Hugh Edward Egerton,
Beit Professor of Colonial
History in the University of
Oxford from 1905 to 1920*

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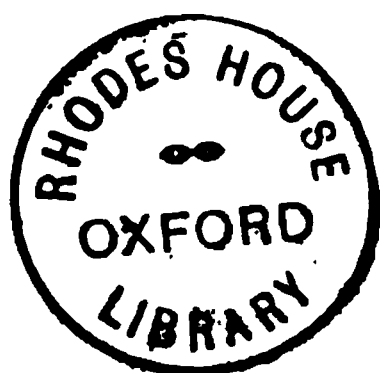
THE
ANNUAL REGISTER,
OR A VIEW OF THE
HISTORY,
POLITICS,
AND
LITERATURE,
OF THE YEAR
1829.

LONDON:

PRINTED FOR BALDWIN AND CRADOCK;
C. J. G. & F. RIVINGTON;

LONGMAN, REES, ORME, AND CO.; E. JEFFERY AND SON; J. M. RICHARDSON;
J. BOOTH; J. BOOKER; HURST, CHANCE, AND CO.; E. SCHOLEY; E. LLOYD
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1830.



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THE
ANNUAL REGISTER,
FOR THE YEAR
1829.

HISTORY OF EUROPE.

CHAP. I.

The Catholic Question—Public Conduct of the leading Members of the Cabinet as to that Measure—Their secret change of Policy—Meeting of Parliament—Speech from the Throne—The Address.

WE have recorded, in our preceding volume, the result of the Parliamentary discussions of the Catholic Question during the session of 1828.* That result did not in itself contain any thing calculated to excite, among the Protestant part of the community, apprehensions of an approaching change, and still less of the king's ministers being ready to propose and support such a change, as a cabinet measure. The majority of six, which had carried the resolutions in favour of the Catholics in the House of Commons, was smaller than that which had carried the third reading of Mr. Plunkett's Relief Bill in 1821, and of Mr. Canning's bill in 1822, and

the second reading of sir Francis Burdett's Bill in 1825; while the majority of forty-five, which had rejected them in the House of Peers, was larger than the majorities on the first and second of these former occasions, and only three votes smaller than that of 1825. The Catholic leaders themselves, indeed, pretended to know, that government was inclined to lend a more willing ear to their demands; but, on the one hand, they did not act as if they believed their own statements, for they immediately proceeded to do their utmost to rouse Ireland into almost open rebellion; and, on the other, there was nothing in the state of the cabinet, nothing in the expressed sentiments of its principal members, nothing in the complex-

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* *Vide* vol. lxx, chap. 4.
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ion of public feeling, that seemed to justify such a prospect. The ministry continued to be, as for years it had been, divided upon the question; but its head, the duke of Wellington, and Mr. Peel, the most influential of his colleagues, were precisely the men who had distinguished themselves by their opposition to the Catholic demands, on every ground both of right and of expediency. During the discussions of 1828, both of them, along with the lord chancellor, had expressed no inclination to desert the principles which they had uniformly defended, and which had gained for the former two, on this particular question, the unlimited confidence of that large majority of the community which regarded concession to the Catholics as dangerous and unconstitutional. On the 10th May, 1828, Mr. Peel, in his place in parliament, had ranked himself among those "in whose minds no disposition to change existed, but who rather found their original belief strengthened by consideration." He had concluded a speech, in which he had proved the danger and unreasonableness of these demands in every point of view, with stating, that he had now gone over "the grounds on which he had acted, and on which he had avowed his intention of still acting." During the autumn, indeed, the Catholic leaders had produced alarm over Ireland, as they had often done before, and had organized the disaffected into a body ready for confusion and rebellion; but the country had not yet learned that an aptitude to yield to clamour and intimidation was one of the qualities of a wise and energetic government; and the long-tried opponents of

the Catholic claims had just been repeating their settled convictions that for this, and other evils affecting that part of the empire, concession would afford no remedy. The speech of Mr. Dawson at Londonderry, on the 12th August, was the first public symptom of the influence of the Association in terrifying its opponents; but although the sentiments of that gentleman derived additional importance from the relation in which he stood to the Home Secretary, and although they were, therefore, eagerly caught at by the friends of concession, as betokening a change of opinion in more powerful men, yet the vacillations of an Irish member, trembling for his seat, under the remembrance of the Clare election, could lead no one to anticipate sudden defection among those who had less reason to dread, and whose first duty it was to restrain, the Catholic demagogues. Though Mr. Peel's brother-in-law had announced, at a public dinner, his change of opinion, Mr. Peel himself accepted, during the autumn, the public banquets of the gentry and manufacturers of Lancashire, as the champion of the Protestant cause, without allowing a syllable to escape from him, which could raise any suspicion that he was more inclined to surrender the Protestant constitution than he had been three months before. Above all, the correspondence between the duke of Wellington and Dr. Curtis, which was given to the public in December, justified the most entire confidence on the part of the country, that his grace, and his grace's ministry, entertained no purpose of yielding. The duke had written, in express words, that he "saw no prospect of a settle-

ment of the question:" that, in the existing state of excitation, "it was impossible to expect to prevail upon men to consider it dispassionately;" and that, if an ultimate satisfactory arrangement of the question were wished for, it would be desirable for a time, "to bury it in oblivion."* When the duke of Wellington thus declared, on the 11th December, that he saw no prospect of a settlement of the question, what man could imagine, that he had already resolved forthwith to force it to a settlement? When he thus represented the excited state of public feeling as opposing an insuperable obstacle to the consideration of concession, who could believe that he and his cabinet had already determined to push concession, in defiance of that very feeling, and amidst excitation a thousand times more violent? When he expressed his opinion, that the question ought to be "buried in oblivion," would it not have been deemed an insult to the understanding, or to the honesty, of his grace to have said, that by these words he meant the instant agitation of the question in parliament, and the agitation of it, too, as a government measure? When the year concluded with the recal of the lord lieutenant, because he had used language, and pursued a line of conduct, favourable to the hopes of the Catholics, what man could dream that the next year was to begin with granting all that the Catholics had ever demanded?

Yet so it was; while the country was thus reposing in secure confidence that the leading members of the government were still faithful to their trust, these very men

had determined to go over to the Catholics, and, in secrecy and silence, were arranging their plans to overwhelm every attempt at resistance by the power of ministerial influence. The consent of the king was the first thing to be obtained, and it was likewise the most difficult. His majesty's opinions against the justice and expediency of concession were deeply rooted: the subject itself was one on the consideration of which he did not willingly enter. What were the arguments employed for his majesty's conversion can be learned only from the arguments by which ministers subsequently attempted to justify in parliament their own change of policy; but, while the operations of the minister upon the royal mind were going on, no whisper was allowed to go abroad regarding the measure that was in contemplation. There was skilful management in this, if there was not much fairness. Had the people, instead of being lulled into the confidence that those, whom they had trusted before, would be trust-worthy still, been made aware of the counsels which these very men were pouring into the royal ear, the public voice would have been heard at the foot of the throne, strengthening the deep-rooted convictions of the monarch himself, and the reluctant consent, which was ultimately wrung from him, in all probability, would never have been obtained. When his consent was once obtained, the public voice might be allowed to raise itself without danger; for he then stood pledged to his ministers, if these ministers, by whatever means, could only command a majority in parliament. It was not till after this consent

* Vol lxx. p. [149.]

had been granted, that it began to be whispered abroad, in the end of January, and only a few days before the meeting of parliament, that his majesty's ministers intended to recommend to parliament some concessions to the Catholics. The surprise, which the announcement excited, was only equalled by the indignation and contempt roused by so sudden an abandonment of principle. The Protestant party found that, up to the very moment of the assembling of parliament, they had been allowed to rest in the belief, that the question would not be stirred, or that, if it should be stirred, the influence of the leading members of the cabinet would still stand in its way; while, in truth, their most tried friends had been plotting and planning how they might most successfully secure a triumph to the enemy, and were concealing, at the same time, their intended defection, up to the instant when the contest was to begin. It seems impossible to acquit the duke of Wellington and Mr. Peel of having acted, in this part of the affair, with a disingenuousness which might be perfectly in its place in a miserable political intrigue, but which tainted their character as public men in relation to a question of such vast and vital importance. They knew that they were trusted by the Protestant party as the champions who were to be ready armed, whenever the Catholics should advance against the constitution. If they had grown weary of the service, and were resolved to abandon it for the adverse side, there would have been more manliness and fairness, though less craft, in announcing from the first their own change of sentiment, and their

determination to act with instant vigour against their former friends.

So stood matters, when Parliament met on the 5th of February, and the session was opened by commission, with the following Speech, which was read by the lord chancellor:—

“ My Lords and Gentlemen,

“ His Majesty commands us to inform you, that he continues to receive from his Allies, and generally from all Princes and States, the assurance of their unabated desire to cultivate the most friendly relations with his Majesty.

“ Under the mediation of His Majesty, the preliminaries of a Treaty of Peace between his Imperial Majesty the Emperor of Brazil, and the republic of the united provinces of Rio de la Plata, have been signed and ratified.

“ His Majesty has concluded a convention with the king of Spain for the final settlement of the claims of British and Spanish subjects, preferred under the treaty signed at Madrid, on the 12th of March, 1823.

“ His Majesty has directed a copy of this convention to be laid before you; and His Majesty relies upon your assistance to enable him to execute some of its provisions.

“ His Majesty laments that his diplomatic relations with Portugal are still necessarily suspended.

“ Deeply interested in the prosperity of the Portuguese Monarchy, His Majesty has entered into negotiations with the head of the House of Braganza, in the hope of terminating a state of affairs which is incompatible with the permanent tranquillity and welfare of Portugal.

“ His Majesty commands us to assure you, that he has laboured unremittingly to fulfil the stipula-

tions of the treaty of the 6th of July, 1827, and to effect, in concert with his Allies, the pacification of Greece.

“The Morea has been liberated from the presence of the Egyptian and Turkish forces.

“This important object has been accomplished by the successful exertions of the naval forces of His Majesty and of his Allies, which led to a convention with the Pacha of Egypt; and finally, by the skilful disposition and exemplary conduct of the French army, acting by the commands of His Most Christian Majesty, on the behalf of the Alliance.

“The troops of His Most Christian Majesty having completed the task assigned to them by the Allies, have commenced their return to France.

“It is with great satisfaction that His Majesty informs you, that during the whole of these operations, the most cordial union has subsisted between the forces of the three Powers by sea and land.

“His Majesty deplores the continuance of hostilities between the emperor of Russia and the Ottoman Porte.

“His Imperial Majesty, in the prosecution of those hostilities, has considered it necessary to resume the exercise of his belligerent rights in the Mediterranean, and has established a blockade of the Dardanelles.

“From the operation of this blockade, those commercial enterprises of his Majesty’s subjects have been exempted, which were undertaken upon the faith of His Majesty’s declaration to his parliament respecting the neutrality of the Mediterranean Sea.

“Although it has become indispensable for His Majesty and the

king of France to suspend the co-operation of their forces with those of his Imperial Majesty, in consequence of this resumption of the exercise of his belligerent rights, the best understanding prevails between the three Powers, in their endeavours to accomplish the remaining objects of the treaty of London.

“Gentlemen of the House of Commons,

“We are commanded by His Majesty to acquaint you, that the estimates for the current year will forthwith be laid before you. His Majesty relies on your readiness to grant the necessary supplies, with a just regard to the exigencies of the public service, and to the economy which His Majesty is anxious to enforce in every department of the State.

“His Majesty has the satisfaction to announce to you the continued improvement of the Revenue.

“The progressive increase in that branch of it which is derived from articles of internal consumption is peculiarly gratifying to His Majesty, as affording a decisive indication of the stability of the national resources, and of the increased comfort and prosperity of his people.

“My Lords and Gentlemen,

“The state of Ireland has been the object of His Majesty’s continued solicitude.

“His Majesty laments that in that part of the United Kingdom an Association should still exist, which is dangerous to the public peace, and inconsistent with the spirit of the Constitution; which keeps alive discord and ill-will amongst His Majesty’s subjects; and which must, if permitted to continue, effectually obstruct every effort permanently to improve the condition of Ireland.

“ His Majesty confidently relies on the wisdom and on the support of his parliament; and His Majesty feels assured that you will commit to him such powers as may enable His Majesty to maintain his just authority.

“ His Majesty recommends that, when this essential object shall have been accomplished, you should take into your deliberate consideration the whole condition of Ireland, and that you should review the laws which impose civil disabilities on His Majesty's Roman Catholic subjects.

“ You will consider whether the removal of those disabilities can be effected consistently with the full and permanent security of our establishments in church and state, with the maintenance of the reformed religion established by law, and of the rights and privileges of the bishops and of the clergy of this realm, and of the churches committed to their charge.

“ These are institutions which must ever be held sacred in this Protestant kingdom, and which it is the duty and the determination of his Majesty to preserve inviolate.

“ His Majesty most earnestly recommends to you to enter upon the consideration of a subject of such paramount importance, deeply interesting to the best feelings of his people, and involving the tranquillity and concord of the United Kingdom, with the temper and the moderation which will best ensure

the successful issue of your deliberations.”

The Address, echoing as usual the royal speech, was moved in the Lords by the marquis of Salisbury, and seconded by the earl of Wicklow; in the Commons it was moved by lord Clive, and seconded by viscount Corry. No division took place in either House; all the other topics adverted to in the speech were swallowed up in the recommendation to prepare for the removal of the Catholic disabilities; and the opinions expressed on that question will find a more fitting place in recording the debates during the progress of the bill which was soon afterwards brought in. The duke of Wellington expressed a wish, that no discussion should take place, until the whole measure, which his majesty's government had in view, should be fully introduced; but he stated, in reply to a question from the duke of Newcastle, that the measure for the adjustment of the Roman Catholic claims would be brought forward in a substantive shape by his majesty's ministers, without going through a committee. The measure, which it was their intention to propose for the adoption of parliament, would extend to the removal generally of all civil disabilities under which the Roman Catholics laboured, with exceptions solely resting on special grounds; and it would be accompanied by other measures rendered necessary by the removal of these disabilities.

CHAP. II.

Bill for the Suppression of the Catholic Association—Dissolution of the Association—Mr. Peel resigns his Seat for the University of Oxford—His attempt to be re-elected—Defeated in his attempt—Ministerial proposition for the unconditional removal of Catholic Disabilities—Mr. Peel's Explanations and Defence of the Measure—Discussions in the House of Commons on the Proposition—Majority in favour of the Proposition—Political conversions—Introduction and first reading of the Bill for the Removal of Catholic Disabilities.

IN the Royal Speech the suppression of the Catholic Association was alluded to, as a measure which ought to precede any consideration of the civil claims of the Catholics. And assuredly the very first thing to be done was, to vindicate the honour of the laws, which that body had been so long allowed, or rather, by the supineness of government, had been encouraged, to insult. That it ought to be suppressed, had never been a doubtful question; why it had not already been suppressed, was a question never answered. In pursuance of the recommendation contained in the king's speech, Mr. Peel, on the 10th of February, obtained leave to bring in a bill for putting an end to the existence of the Association. He would not enter, he said, into any investigation of the causes in which that Association might be supposed to have originated; he asked only for that admission which he had already heard amply made on the opposite side of the House, that it was inconsistent with the exercise of the regular government to allow the continued existence of the Catholic Association, and therefore he would be spared the pain of

stating any particular circumstances which might have the effect of creating irritation. Whatever feelings might be entertained on other points, he was sure the House would approve the recommendation in his majesty's speech that they should enable him to maintain his authority, and would acquiesce in a legislative enactment by which the future meetings of the Catholic Association should be prevented. Those who cherished most dearly the hope of seeing a conciliatory arrangement of the Catholic claims speedily carried into effect, must feel, he believed, that the existence of that Association, during the discussions which were about to take place, would in itself oppose an almost insuperable barrier to the accomplishment of the object which they had at heart. The constant discussion of the measures and intentions of government in the Association, would render it totally impossible for the legislature to arrive at any satisfactory adjustment of the question. As to the provisions of the law, by which the suppression might be effected, they ought to be of such a nature as could not be evaded, and as would effectually prevent tricks and

devices being resorted to, in order to keep within the letter, while the spirit of them was infringed. Measures of that House had been defeated, and the intention to defeat them had been signified, even before they were passed. It was much better that they should do nothing, and he would rather they did nothing, than that what they did should be evaded. By the act of 1825, it had been intended to suppress the Catholic Association, and other assemblies of a similar character, by an express enactment. The provisions of that act, however, were so wide, that they would have interdicted almost any meeting, and it was therefore necessary that some meetings should be excepted from the operations of it. These exceptions consisted for the most part of meetings for the purposes of education, agriculture, commerce, religious worship, &c. It was perfectly notorious how many advantages had been taken of these exceptions,—how many meetings for political purposes were assembled under the pretence of objects quite foreign from those the persons assembled had in view,—how repeatedly the technical enactments of that measure had been complied with, while the spirit of it was violated. It was clear, then, that they must enact a law more complete and more binding than the act to which he had referred. The exceptions in the proposed measure must be much less numerous than they were in the last. He was not insensible to the difficulties of framing such an act, as, in the present state of Ireland, could not be evaded, unless, indeed, they were to pass a law, which there would be no difficulty in framing, that should effectually and at once suppress the danger of illegal

meetings; but he very much doubted the propriety of such a measure, for it must declare that every political meeting was illegal; and if such a law were passed, and every body left to enforce the provisions of it, he confessed that, as Ireland now was, he could not say that they would not be improperly enforced—that they would not be enforced for purposes, to say the least of them, very unjustifiable. In his opinion, the more they departed, in legislating on a subject like this, from the general principles of law, the more they stood in danger of having their enactments evaded. He proposed to meet this danger by the most effectual means that occurred to him, while at the same time he opposed the strongest barrier to individual abuse. It was his intention to commit the enforcement of the law to one person only; to intrust to him, who was fully cognizant of the state of affairs in Ireland, and who was also responsible for the tranquillity of that country, the new powers with which the House were now asked to invest the executive government. He proposed to give to the lord lieutenant, and to him alone, the power of suppressing any association or meeting, which he might think dangerous to the public peace, or inconsistent with the due administration of the law; together with power to interdict the assembly of any meeting, of which previous notice should have been given, and which he should think likely to endanger the public peace, or to prove inconsistent with the due administration of the law. In case it should be necessary to enforce the provisions of the law by which these powers would be conferred, it was pro-

posed that the lord lieutenant should be farther empowered to select two magistrates for the purpose of suppressing the meeting, and requiring the people immediately to disperse. It was proposed, moreover, to prohibit any meeting or association, which might be interdicted from assembling, or which might be suppressed under this act, from receiving and placing at their control any monies by the name of rent, or by any other name. This was the general outline of the measure. He thought that moderate penalties would be sufficient for the infringement of this law; and he considered that it would be by no means necessary to propose any measures of a penal nature. He was decidedly of opinion, too, that the measure ought to be limited. He was perfectly sure that parliament would not only continue these powers, but that they would increase them, if a case of necessity were made out. The late act had been limited to two years; he proposed to limit the present act to one year, and the end of the then next session of parliament.

The bill passed both Houses without opposition; for, although its provisions were necessarily somewhat arbitrary in their nature, the friends of the Catholics voted in its favour as part of a system which was immediately to terminate in emancipation. They all declared, however, that, if it had been introduced as a substantive measure, they would have resisted it; and that they now consented to suppress the Association only on the understanding, that those claims, for the furtherance of which the Association had been created, were to be immediately conceded. In truth, to grant emancipation

would put an end to the Association without any statute; to remove the disabilities would be the only effectual act of suppression. It was not a corporeal being, capable of being grasped by the law. It was the people of Ireland. Its spirit was caused by the grievances of the nation, and its seat was the bosom of seven millions of its population. It was impossible to deny that the present flourishing prospects of the Catholic cause were mainly owing to the labours of the Association: in forwarding that cause, it had done good to both parts of the empire, however foolishly individual members might have indulged in absurd proposals, and extravagant, and irritating language; and its suppression by enactments, which involved even the temporary exercise of arbitrary powers, could be justified only by regarding it as the price to be paid for the final and complete triumph of that object for which alone it had existed.

In the course of the discussions, it was strongly pressed upon ministers, why the suppression of this Association had not been sooner accomplished? You justly describe this Association, it was said to them, as a body, whose existence is incompatible with the due operation of the powers of the regular government. You represent Ireland as being in a state of agitation which can be soothed only by granting all that the Catholics demand; and no man can doubt that the Catholic Association, which exists only for purposes of agitation, is the great fomentor of that dangerous and alarming spirit. You say that it must be put down; you ask extraordinary powers to put it down; by doing so, you grant that it may be put down.

If so, why has it been allowed to go on prospering and unimpeded for years, till, having gained "a giant's stature and a tyrant's strength," it brings you crouching to its feet in trembling obedience to its mandates? In short, you acknowledge, that by a due use of power you might have prevented that state of things, in which, now that it has been allowed to grow up, you seek an apology for deserting the policy to which you have been so long pledged. Above all, you asked and obtained, in 1825, an Act for suppressing this very Association. Yet it is since that time that it has become so formidable. If the powers given by that act were sufficient, why was it not enforced? If they were insufficient, why were more effective powers not demanded? for who would have grudged any powers necessary to put down an usurpation of the regular government of the country?

The Solicitor-general for Ireland answered, that he had attended to the debates of the Association with the closest anxiety; but, after all his vigilance, and all his anxiety, it was the unanimous opinion of his colleagues on the other side of the Channel, that it would have been an useless task to have undertaken a prosecution against any individual for his conduct in the Catholic Association, and that an abortive attempt at prosecution would have been worse than useless, inasmuch as it would have irritated, without putting down, the members of that Association. He could not, upon the present occasion, enter into a detail of all the circumstances, which, in his opinion, rendered it impolitic to attack the Catholic Association—he would confine himself to say-

ing, that it was a matter of extreme difficulty to draw up a bill of indictment against 7,000,000 of people. He did believe, that baffled and hampered as the legal advisers of the crown were, the wisest plan, which they could pursue, was, to confess the real truth, that it was a matter of extreme difficulty to frame such an indictment. He had voted for the bill of 1825, but since that time there had been a new parliament, and it was by no means certain that the present parliament would repose the same confidence in, or intrust similar powers to a ministry, unless some hopes were held out that the coercive measure was to be immediately followed by one of concession. The Solicitor-general, however, forgot that this very House of Commons had refused, in 1827, to entertain sir Francis Burdett's motion for a committee.

Mr. Huskisson said, that it would have been impossible, in the way of definition and enactment, to have gone further than the act of 1825 went, without interfering improperly with the rights and privileges of the subject generally; and from the period in which that act was passed, down to the period in which he ceased to have a share in his majesty's councils, the government had been most anxious to give full efficacy, as far as was consistent with the liberty of the subject, to such provisions of it as were intended to guard against the mischief of the Catholic Association. When he first saw the mode in which that act was evaded in Ireland, his mind was made up to this conclusion—that there was no mode of terminating the danger arising from that Association without vesting in the government a considerable portion of arbitrary

power—indeed such a portion as it was now proposed to vest for a time in the government of Ireland. Now he would ask, whether the House was prepared to place such power in the Irish government permanently? He was not at liberty to state to the House what passed in his majesty's councils, during the period in which he had the honour of enjoying a seat at the council board, — neither was it necessary that he should do so: he was at liberty, however, to state this,—that, having come to the conclusion which he had just declared to the House, he could not help coming to another conclusion also; and that was, that, consistently with his public duty, he could not grant to the government that arbitrary power which was necessary to put down the Catholic Association, without putting an end, at the same time, to the cruel system of exclusion which called that Association into existence. Either in or out of office, he never would have agreed to such a measure of coercion, if assured it was to be a permanent measure, unless it had been accompanied at the same time by an assurance, that the evil system, which the Association sought to remedy, was going to be abandoned.

Mr. Peel said, that to state the reasons why he did not enforce the act of 1825, would make it necessary to go into the whole history of affairs in Ireland during the last four years, which would lead to the conclusion that, amid the divisions and contentions which prevailed, the real abatement of faction was impossible. Moreover, it should be borne in mind how the act of 1825 was followed up by the same parliament which introduced it. It had been followed up by a bill for

Catholic relief, which, though lost in the upper House, must yet have shown the people, that conciliation was intended to accompany coercion. The act, then, of 1825, was not the only measure, upon which the House of Commons depended for the tranquillity of Ireland, when they had recorded its accompaniment by the admission that Catholic disabilities ought to be removed. These were the causes, which had prevented the effectual operation of the law of 1825.

The act passed: but the Association rendered it unnecessary to make use of the powers which it bestowed. Their parliamentary friends had pointed out to them, that, as matters stood, with the government pledged to emancipation, their continuing together as a body could only do mischief; and the Association, even before the bill had completed its hasty progress, declared itself dissolved. It was plain, however, even from the explanations given by ministers themselves, that the Association had been allowed to bully the government into submission, and that the present act for its suppression was mere legislative mockery—the ridiculous assumption of a threatening gesture to cover and conceal their impotence. The Association had demanded emancipation, unqualified emancipation, and nothing else. It had said to the government, give us emancipation, and we exist no more; refuse us what we ask, and we defy your power either to restrain or to resist us. The question between it and the government had never been, whether it would be quiet, if the government gave all that it demanded—but whether or no the government could compel it to be quiet, even though it should get nothing. In such circumstances, when on-

hand held a bill for suppressing the Association, while the other contained a bill granting all that the Association demanded, to speak of having suppressed the Association was an abuse of words. It was as if a man should boast of his victory over a highwayman, to whom he exclaims, when the pistol is at his breast, "down with your pistol, sir, for there are my purse and my watch." The robber would have the best of it, and so had the Association.

The bill, which commemorated this wretched triumph, received the royal assent on the 5th of March; and on the same day Mr. Peel moved in the House of Commons, that the House should go into a Committee on the laws which imposed disabilities on the Catholics. But he no longer rose as member for the University of Oxford. That honourable rank he had reached, and had retained, as the firm opponent of Catholic encroachments; the University had sent him forth to defend the civil and religious institutions to which she was attached, and hitherto he had done his part faithfully and well. A few short months had converted him into a leader of Catholic aggression, and found him zealously employed in creating every one of those dangers, which his life had been spent in detecting and resisting. If the change was justified by his duty as a statesman, he could not, in common decency or honesty, retain his seat as member for Oxford. On the 4th of February, the day before the meeting of parliament, he addressed a letter to the Vice-chancellor of the University, announcing the new views of policy by which he was about to be guided, acknowledging that his resistance to the Catholic

claims had been one main ground on which the University had made him its representative, and tendering his resignation.* His resigna-

* The following is Mr. Peel's letter:—To the reverend the vice-chancellor of Oxford.

Whitehall, Feb. 4.

My dear Sir,—I take the very first opportunity of which I am at liberty to avail myself, to make a communication to you which is most distressing to my feelings.

I have considered it to be my duty, as one of the responsible advisers of the king, humbly to signify to his majesty the opinion which I have formed, in entire concurrence with all my colleagues in the government, that the period is arrived when his majesty's servants must take, in their collective capacity, some decisive line with regard to the state of Ireland, and to the various subjects affecting the tranquillity of that country, which are involved in what is called the Catholic question.

After maturely weighing the present position of affairs, and the prospects of the future—adverting to the opinions repeatedly expressed by majorities in the House of Commons—to the difficulties which must arise, in the present state of Ireland, from continued division in the councils of his majesty, and disunion between the two Houses of Parliament—it has appeared to his majesty's government that there is less of evil and less of danger, under the existing circumstances of the country, in the attempt to make some satisfactory adjustment of the Catholic question, than in any other course which we can suggest. In the offer of my advice to his majesty, as one of his confidential and responsible servants, I have been compelled to exclude every consideration but that of the interests and necessities of the country.

No sooner, however, had I fulfilled the obligations of my duty to his majesty, than I began maturely to reflect on the relation in which I stand to the University of Oxford.

I cannot doubt that the resistance which I have hitherto offered to the claims of the Roman Catholics has been one of the main grounds upon which I have been entitled to the confidence and support of a very large body of my con-

tion was accepted; Mr. Peel vacated his seat, and was immediately proposed as a candidate at the new election. His opponent was sir Robert Harry Inglis, who had not yet seen the expediency of changing his opinions. Mr. Peel, in trusting that the University would return him, must have counted on

stituents; and although I discontinue that resistance solely from the firm belief that perseverance in it would be not only unavailing, but would be injurious to those interests which it is my especial duty to uphold, yet I consider myself bound to surrender to the University, without delay, the trust which they have confided to me.

I take the liberty of requesting that you will communicate this letter to those leading members of the University with whom you may think proper to confer, and that you will consult with them as to the period at which it will be most convenient to the University that my seat in parliament should be vacated.

I will be guided by the suggestions with which you may favour me in this respect, in making my application to the crown for some nominal appointment, which may vacate my seat.

By this painful sacrifice—by the forfeiture of that high distinction which I have prized much more than any other object of ambition, I shall at least give a decisive proof that I have not taken my present course without the most mature deliberation, and that I have not suffered myself to be influenced by any other motive than that of an overpowering sense of public duty.

My present relation to the University will be terminated—but, believe me, that to the latest hour of my existence, I shall never be unmindful of the confidence with which I have been honoured, and of the kindness and indulgence which I have invariably experienced; and that I shall study to maintain, with unabated zeal, the privileges and interests of the University and of the Church of England, notwithstanding the dissolution of those ties which have more immediately bound me to their service.

I have the honour to be, my dear Sir, with every sentiment of respect and regard, your most faithful servant,

ROBERT PEEL.

a blind disposition in the University to receive their opinions from the minister of the day, or an excess of personal attachment which would render political opinions matters of indifference. In both expectations he was disappointed. Never were greater exertions made in the course of any election. The united influence of the government and of the Whigs was pushed to its utmost limit in behalf of the Home Secretary. On the other hand, sir Robert H. Inglis was supported by some of the dignitaries of the church, and, with great zeal, by the parochial clergy, as well as by many who, without any predilection for the cause itself, were satisfied with any issue which should defeat a candidate whom they did not merely consider an apostate, but who came among them expressing an opinion that the University would wheel round at the word of command;—for not many days had elapsed since the presentation of the University petition against concession to the House of Lords, which had been carried by a majority of three to one in the most numerous convocation ever assembled in Oxford. After a contest of three days, during which 1364 voters polled, Oxford rejected Mr. Peel by a majority of 146. He was immediately returned for the borough of Westbury; and, in this character, he was charged with introducing into the House of Commons those measures, which he had been teaching the country for twenty years would be ruinous to its interests and its freedom, and in regard to which he was even now to express his unaltered conviction, that they were pregnant with danger to the constitution.

He and his colleagues had no

reason to fear the result. During the interval which had already elapsed, the country had covered the tables of both Houses of parliament with petitions against the proposed innovation; but the people were left without leaders capable of representing the public voice in the House of Commons. All the talkers of the ministry were now joined to all the talkers of the opposition: the whole mass of ministerial influence was brought into play to gain votes, without even seeking to cover the change of opinion with any other excuse than the threat of dismissal or displeasure. In short, it now was a ministerial measure, as well as an opposition one; and where both ministers and their adversaries unite in a fixed determination to carry one great point, cost what it may, of what value is the parchment opposition of petitions, however strongly and however truly they may speak the real sentiments and wishes of the country? Feeling that defeat would be utter ruin, ministers resolved at once that no one, whose hopes or fears they could control, should be allowed to perplex himself with any freedom of opinion. If they could justify their own change, they could justify that of all their adherents. The revolutions of sentiment, which accordingly took place, were ridiculously sudden, and, in many instances, mean and disgraceful,—but the cheers and the votes of such persons were as useful as those of better men. The victory was secured, before the battle was begun. The country felt that it would be vain to struggle against the coalition of parties, and the accumulation of influence, which was now brought into play, all on one side.

It felt little anxiety as to the issue, because no doubt could be entertained what that issue would be; but it felt much anxiety to learn, on what grounds all the doctrines, which but six months before, had been held essential to the integrity of the constitution, and the welfare of the country, were now to be made out, by the very same men, to be injurious to the freedom and prosperity of the empire.

On the 5th of March, for which day a call of the House had been ordered, Mr. Peel moved, “that the House resolve itself into a committee of the whole House, to consider of the laws imposing civil disabilities on his majesty’s Roman Catholic subjects.” He began with stating, that he rose, as a minister of the king, to vindicate the advice which an united cabinet had given to his majesty, to recommend to the consideration of parliament the condition of the Catholics, and to submit to the House those measures by which government proposed to carry that recommendation into effect. He was aware that the subject was surrounded by many difficulties, which were increased by the relation in which he himself stood to the question; but having come to the sincere conviction that the time was arrived, at which an amicable adjustment of the disputed claims would be accompanied with less danger than any other course which he could suggest, on that conviction he was prepared to act, unchanged by any expression of opinion of an opposite nature, however general or deep—unchanged by the forfeiture of political confidence, or by the heavy loss of private friendship. He had long felt, that, with a House of Commons favourable to emancipation, his position as a

minister opposed to it was untenable. Under this feeling, when a bill passed the House in 1825, he had intimated to Lord Liverpool his wish to resign, that he might thereby remove one obstacle to the settlement of the question. His resignation, he was informed, would occasion that of Lord Liverpool, and dissolve the ministry: he had agreed, therefore, to wait the decision of a new House of Commons. The new House of Commons, elected in 1826, decided in 1827 against the Catholics; but in 1828 it adopted a different course, and came to a resolution determining the principle of the question. After that decision he was prepared to follow the course which he had proposed to himself after the decision of 1825, with this addition—that he notified to the duke of Wellington, not only his readiness to retire from office, but that, seeing the current of public opinion, he was ready to sacrifice consistency and friendship: and, by whatever parties the settlement of the question was undertaken, he for one was prepared, in whatever post he might be, to support the measure, provided he thought it was undertaken on principles safe for the Protestant establishment. He was aware that he was called on to make out a case for this change of policy: and he was now to submit to the House an argument of fact which proved to his mind, with the force of demonstration, that it was imperative on ministers to recommend the measure which he was about to introduce, however inconsistent it might seem to be with their former tenets.

The argument by which this case was to be made out resolved itself into the following proposi-

tions. First, matters cannot continue as they are: the evils of divided councils are so great, that something must be done, and a government must be formed with one common opinion on the subject. Secondly, a united government once formed must do one of two things; it must either grant further political rights to the Catholics, or recall those which they already possess; but, thirdly, to deprive the Catholics of what they already had would be impossible, or at least, would be infinitely more mischievous than to grant them more, and therefore no course remained to be adopted, except that of concession.

His first proposition, viz. that something must be done, to gain a ministry united in opinion on this question, was proved, he said, by the mischievous influence which the diversity of sentiment had exercised on the general government of the country, the state of parliament, and the government of Ireland. For thirty-five years the state of government in this country on the Catholic question had been disunion. Lord Fitzwilliam had gone to Ireland as Lord Lieutenant in 1794, and his government came to a termination—on account of a difference about the Catholic question. In 1801 Mr. Pitt's government came to a close, and on the same ground—a difference about the Catholic question. He resumed the government in 1804, composing his cabinet in a manner which showed that it was not formed on the principle of unqualified resistance. After his death succeeded a new ministry, which endured about eighteen months, and then came to a termination, still on the same ground—a difference about the Catholic

question. It was true that, during the five years that followed, under the ministry of Mr. Perceval, government resisted the consideration of this question: but the resistance did not proceed on permanent grounds: for, during great part of that interval, lord Castlereagh and Mr. Canning were members of the government, and consented to act only in deference to the conscientious scruples of his late majesty. So soon as the restrictions on the regency had expired, the same parliament, which had been elected in 1807, determined, by a very large majority, to take the question into consideration. Since then, up to the commencement of the present session,—the Catholic question had been made what was called a neutral question: any member of every government, was allowed to take his own course with respect to it; the consequences of which had been most unfortunate, though perhaps unavoidable. During the whole of that period the cabinet was divided sometimes equally; sometimes the proportion was seven to six against concession; sometimes it was six to seven in favour of concession. Usually, however, the cabinet was equally divided. This divided government had been but an apt representative of the divided opinion of the branch of the legislature which he was addressing. Four out of the five Houses of Commons which had sat in the five last Parliaments, had at some time or other come to a decision in favour of the Catholic question. One House of Commons did resist the consideration of the question, but that single House, out of five, resisted its consideration by a majority of only 243 to 241. From a list of the divisions during the last ten years, he found,

that, in 1819, there was a majority, of two against the question; in 1823, there was a majority of six in its favour; in 1821, a bill was passed by a majority of nine; in 1822, the bill for the admission of Roman Catholic peers into the House of Lords was passed by a majority of five; in 1824, the question was not brought forward; in 1825, a bill was passed by a majority of twenty-one; in 1826, there was a general election; and in 1827, the present House of Commons decided against the question by a majority of four; but in the last session, they decided in its favour by a majority of six. And was the present House of Commons, elected in 1826, an unfair representation of the public opinion with respect to the Catholic question? Was not this House elected, when the public mind was sufficiently alive to the question? Its predecessor had twice carried bills for the removal of disabilities. It was elected immediately after the discussions in Parliament with respect to the Catholic Association. The proceedings of the Association were manifest. It had been found necessary to introduce a bill having for its object the suppression of that Association, and that bill had been passed. The discussion upon that bill in the House of Commons lasted five nights. He mentioned these circumstances to prove, that public attention had been called to the state of the question; and if the public had determined to prevent its future agitation, then was the time when the public might have practically given effect to its views. That it did not do so, however, was manifest from numerical details, into which Mr. Peel now entered, and which shewed that, out of the members

returned by fifteen principal counties, fifteen voted against concession, and seventeen for it; and of the members returned by twenty principal towns and cities, eighteen voted against concession, and twenty-eight for it. In these circumstances, continued Mr. Peel, it was somewhat hard to be compelled to fight the battle of constant resistance without being furnished with the materials for doing it effectually; to be made responsible for not being able to carry on an administration on the principle of resistance with a Parliament so nicely balanced,—the House of Lords opposed to the House of Commons, and the latter equally divided within itself. When he heard it stated that the feeling of the country was almost unanimous against the attempted settlement of the question, he must declare that this was a very recent discovery. The opposition of the country ought not to have been manifested by public meetings in every parish, but by the exercise of the elective franchise. It was not fair for the country to expect (supposing its feelings to be truly described), that one minister should take upon himself the whole responsibility of resistance, and yet to exercise their privileges in such a way as absolutely to render resistance powerless. How could any human being engage to conduct the administration of Ireland upon the principle of the exclusions which pressed upon the great body of the people of that country, if the removal of those disabilities was prayed and pressed for by the Protestant population of England? An inference, too, in regard to public opinion might be drawn from the debates in that House—from the number of speakers, and the zeal which they had displayed

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on either side. Had the younger members, the youthful talent of the House, been enlisted in opposition to the claims of the Roman Catholics? He must say, when the whole responsibility was cast upon him, that, on looking back, he found it impossible not to declare, that almost every young man, who had come forward in parliament during the last ten years, had come forward, actively and eloquently, as the advocate for concession. It was unreasonable, therefore, that individuals, who for ten years had permitted the question to pass over without opening their mouths to express their sentiments; who had seen, during that period, speakers in favour of concession, urging their arguments with the utmost ability, three or four consecutively, without having assisted, on any one occasion, to oppose their reasonings, should come forward in 1829, and say, that there had been a want of zeal for the Protestant cause,—that the arguments in its favour were triumphant,—and that they only needed to be stated to have their truth admitted. Now, when the battle was almost won,—when the spirits of those who had fought it were exhausted,—he was told that a vigorous defence must be made; though those, who told him so, had themselves allowed every opportunity of making a defence, which had occurred during the last ten years, to slip away. Many important conclusions might be drawn from the facts which he had stated to the House. In the face of all these facts, how long could resistance be maintained? That was the question which those who resisted, and those who were responsible for advising resistance, must consider.

Next, what had been the result
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of these divisions in the government, and this state of opinion in parliament, upon the condition of Ireland? He did not know, whether divided councils at home, and disturbance in Ireland, stood in the relation of cause and effect; but, at all events, they had been concurrent. There was scarcely one year during the last twenty-five, in which the government had been able to rely on the ordinary law. In 1800 the *habeas corpus* was suspended, and the act for suppressing rebellion was passed. In 1801 those measures were repealed. In 1803 broke out what was called Emmett's rebellion, and both the measures just mentioned were renewed. In 1804 they were continued. In 1806 they had expired; but the west and south of Ireland, under the administration of the duke of Bedford, were in such a state of insubordination, that a special commission was appointed. In the following year, 1807, the Insurrection act was passed. This act authorised the lord-lieutenant to suspend trial by jury, and render it a transportable offence to be out of doors between sunset and sunrise. The Insurrection act continued in force during 1808 and 1809, and was repealed in 1810. It had been asked, why government had not suppressed the Catholic Association, as if that body were an evil that had just started into existence. That body had existed long previously, though not under the same title. There had been a Catholic Committee,—a body formed of delegates, consisting of ten persons from different parts of Ireland. Two trials took place, in one of which the parties were convicted, and in the other they were acquitted. In 1814, another Catho-

lic Convention appeared. A proclamation was issued for its suppression, and it was suppressed. In 1825 parliament had to enact the suppression of another body of a similar character; and now it was called upon to consider what should be done with a third. He himself had quitted the administration of Irish affairs in 1811. The period between that and 1814 was one of excitement in Ireland. In 1814 the Insurrection act was re-enacted; in 1815 it was repealed; it was renewed in 1816, and again repealed in 1817. In 1822 it was once more renewed, and continued in operation during 1823 and 1824. In 1825 Parliament passed an act for the suppression of illegal associations. That act continued in operation during 1826 and 1827, and expired in 1828. The session of 1829 commenced by another act for the suppression of the Catholic Association. Coupling those facts with the divided councils of the king, and the disunited state of parliament, had he not, he asked, established his first position,—namely, that matters could not remain as they were; that there must now be an end to a neutral government, and that there ought to be an united cabinet, determined either to offer unqualified resistance to concessions, or prepared to consider the possibility of adjusting the question.

The next question was, whether an united government, determined to offer permanent resistance, in the present state of the country, could be formed, and could go on? Now to him every consideration connected with the question made it demonstrable, that such a government, even if formed, would not be able to conduct the affairs of

the country to any good purpose. The first thing required of them would be, to put down the Catholic Association; and how would they manage that? Before the introduction of the act of 1825, the opinions of the law officers of the crown in England and Ireland had been taken; and both had declared that the common law was not sufficient to meet the evil. Towards the close of the last session, when the Association had begun to adopt more violent courses, which government was prepared to resist, the opinions of the law-officers of the crown were again taken, as to whether the common law was sufficient to meet the evil; and their unanimous answer was, that it was not sufficient to put that body down. Then, if these remedies were ineffectual, where was the remedy? If it were true, as he believed it was, that there was in the system, as it now existed, an elasticity which could not be wholly repressed, though a law might be carried for putting down those meetings, still, if the causes were allowed to continue, the agitation would be increased, and the evil would continue in an aggravated form. But would the parliament, one branch of which last year voted in favour of concession, by a majority of 272 votes to 266, now be willing, at the call of a government opposed to concession, to pass a fresh measure of coercion? He doubted the fact that it would enable government to carry any measure founded upon the principle of permanent resistance to those claims. Such a government, therefore, could not cope with the Association; that is, under such a government, things would continue in the

same intolerable state of alarm, discord, and confusion, to which they had now come.

But suppose the Association put down, what would such a government do with the elective franchise? A dissolution of parliament had been called for. Well, suppose it done. He could easily believe that a dissolution, so far as this country went, would add to the numerical strength of the opponents of concession; but he was convinced it would not render the settlement of the question practicable without concession. But, even if, by such means, a government so constituted might be able to carry a measure for the suppression of the Association, and might be able to carry through the supplies of the year, what mode, he would ask, could they adopt for carrying on the internal government of Ireland? First, they should look at the constituent body of that country—for this was a most important matter for the consideration of a government formed on the principle of opposition to concession. Now it appeared that, of the Irish members who voted on the Catholic question last year, there were 61 representatives of counties. Of that number 45 voted for concession, and 16 in favour of resistance to the claims. Of the members for large towns in Ireland, 16 voted against concession, and 17 in favour of it; making, in the whole, 62 in favour of concession, and 32 against it. He had been told, twenty-three counties in Ireland were ready to follow the example of the county of Clare. Now, let those who thought so add the probable increase of numbers which that would produce (though he was willing to admit that even in that case many

of the present members would be re-elected in those counties), and they would see that a government, constituted on a principle of resistance to concession, would have the whole or the great majority of the representative and constituent body of Ireland against it. In this case, separated as Ireland was from England, he would contend, that, with such a feeling of opposition to government on the part of the representatives and constituents, there would be constituted a moral influence opposed to the local government, which would render it impossible to carry it on. The remedy therefore could not be found in a dissolution of parliament. But still, a government united on the principle of resistance might try one other remedy, viz. they might retract the privileges they had already granted, and which they found too powerful for their control; but in that case they would open a chapter, which, beginning with the recal of privileges, might render measures of a stronger and much more coercive character necessary. It appeared to him that no government could do that; or, if they did, it would lead to a struggle, which, if pushed to its legitimate consequences, must end in a result little short of the re-enactment of the penal laws. We had already gone too far to render such a course practicable. We had removed the seal from the vessel, and suffered the great spirit to escape. We had no means of conjuring him back again to his former narrow limits. In round numbers, and allowing for the increase of population which had taken place since the last census, the population of Ireland was 7,000,000. Of these, 5,000,000 were Roman

Catholics, and 2,000,000 Protestants of all denominations. At first sight, it might be supposed that the government could be carried on by means of the 2,000,000 of Protestants; but then it should be considered, that, of those Protestants, there were 1,200,000 residing in Ulster. They were then to consider, how they could conduct such a government in Munster, Leinster, and Connaught, where the Catholics were 4,250,000, and the Protestants only 750,000; where there were not only whole parishes, but whole districts of country, even to the extent of ten contiguous parishes, without a single Protestant. How could the administration of justice be carried on in those places? In the withdrawal of the civil privileges, were they to withdraw the trial by jury? If they left that, the re-enactment of the penal code would be useless, for it would be impossible that the laws could be executed fully, as far as the interference of a jury was necessary, where a great body of the people had an interest in defeating them. With the country in that state, with such a feeling on the part of the Catholics, who formed in the country generally the great majority, and in large districts almost the sole population, there could be no security for the Protestant establishment, backed as the views of the Catholics would be by a powerful alliance in parliament. Let it also be considered, that, in the continued resistance to concession, a government would have to fight the battle not only with the Catholics, but also against protestants, who conscientiously supported their claims. Let the House look at the declaration of the Protestants, which had recently been before the public. That de-

claration earnestly implored the satisfactory adjustment of this question, as necessary to the security of the Protestant establishment in Ireland. The individuals, by whom parliament was thus addressed, were men who had a great interest at stake. They were the owners of property to an immense amount in Ireland. Could it be said, that this was got up for the purposes of party? The signatures would be a satisfactory answer to that question. There were affixed to it the names of two dukes, seven marquises, and twenty-six or twenty-seven earls, besides other peers. His wish was, and one of the objects to be accomplished by the measure which he should propose would be, that there should be a union amongst Protestants; for it could not be concealed that there was no security for Protestant establishments, while the Catholics were united in one compact phalanx, and neither the Protestants nor the government were united. But lastly, assuming for a moment that a non-conceding cabinet should not only attempt, but should succeed in carrying into effect this system of coercion, how long would it last? It might endure during peace: but would a government be competent to uphold it in time of war? If not, the commencement of war would be the worst period in the history of the empire. He looked back to the time, when bold hearts animated the head of the government,—to the year 1792, when Mr. Pitt was at the head of affairs. He saw in that year grand juries and other public bodies unanimous in forwarding petitions against any concession to the Catholics—he saw the House of Commons of Ireland rejecting not a resolution, or a bill,

for their relief—but even their very petition to have their grievances considered. The French war broke out in 1793, and, in spite of the declarations of the preceding year, in spite of the numerous petitions, in spite of the vote of the Commons, and the opinions of the preceding session—the session of 1793 opened with a recommendation from the Throne, to take the grievances of the Catholics into consideration; and a bill was almost immediately passed for the removal of many of the disabilities, but with such haste, and so inconsiderately, that to this day we were reaping some of its bitter fruits. Until he saw a bolder man at the head of affairs than Mr. Pitt—until he saw a more Protestant parliament than that of 1793, he could not think we should be safe in time of war with a government determined on continued resistance; nor could he think but that, at the opening of a war, we might feel ourselves obliged to recede from our former declarations, and to grant the prayer we had before refused, and that in a manner to which, at a more favourable opportunity, we should be unwilling to consent, and with much less security than we might obtain on such an occasion as the present. Since, then, the existing state of matters was one which could no longer be suffered to exist, since the time had come when the government must adopt one decided rule of policy or another, and must resolve as a government either to concede or to resist, and since a government determined to resist could not carry on the affairs of the country without aggravating all the evils and dangers which were to be removed, it followed that no course remained but to settle the question by ad-

justing a system of concession on the one hand, and security upon the other.

Mr. Peel, in the next place, proceeded to explain the nature of the measure which he and his colleagues had resolved to propose as that which ought finally to adjust and settle the question. No persons, he said, except the members of government had been parties to the framing of the bill. It had been thought advisable, that it should not be proposed as a compromise or compact with any parties whatever, and that for its concessions, as well as for its restrictions, government alone should be responsible. The principle and basis of the measure was to be, the abolition of civil distinctions, and the equality of political rights. There would be exceptions, standing on special grounds, but such was to be the general rule. Another pervading principle of the bill would be, the maintenance, in fact and in word, of the Protestant religion as by law established, its doctrines, its discipline, and its government. He would, first of all repeal those laws which placed Catholics, unless they took certain oaths, on a different footing from Protestants, even in regard to real property, a distinction which Protestants and Catholics were equally interested in abolishing: the next provision would be, the admission of Catholics to parliament, on the same terms with Protestants. Unless this was granted, all other concessions of political power would avail nothing. It had been proposed to restrict the number of Catholic members, and to define certain subjects on which they should not be allowed to vote. Both of these limitations ministers had rejected. Any limi-

tation of their numbers it would be difficult to carry practically into effect; and even if it were practicable, it would have the mischievous effect of making them combine; and holding them up as a sacred band, charged with the interests of the Roman Catholics. No less difficult would it be to find any efficient text for deciding on what questions a Roman Catholic member should be entitled to vote, and on what he should not. It would be difficult to determine what questions relate exclusively to the interests of the Established Church—and it might be, that questions, nominally relating to the Established Church, might not be those in which its interests were really involved. If the Roman Catholic member were entitled to speak, but were precluded from voting on such questions, injury might be inflicted as effectually by an able man, with party ties and connexions, making an inflammatory speech, and then leaving his party to support it by their votes,—yes, as much mischief might be inflicted by such a man, if he spoke, as if he were entitled to vote. On the whole, such a restriction would be a departure from the principle of the bill, viz. the abolition of all distinctions, and the equality of political rights. In conformity with the same principle, the bill would proceed, as a matter of course to render Catholics admissible to all corporate offices in Ireland, and all offices connected with the administration of justice, and to all the higher civil offices of the state. He was aware, he said, of the objections as to the last; but having once resolved to yield political power, this could not be refused. He doubted the wisdom of qualifying the Roman Catholic to re-

settling this question, the differences at in Ireland, in consequence of the civil disabilities of Catholics, consisted after we had set this we should be enabled and to take any might be necessary. be able to maintain lent, and uncompromising towards the Roman land, and legislate for others of his ma-

he discarded all elements as sources of were certain other would be proper to of regulation. In he thought it fit to ten Roman Catholics to the enjoyment of es, and other offices ture, in no case, and etence whatsoever, insignia of office be other place of worship of worship of the church; that the robes of l not be exhibited in lace of religious wor- the Protestant church, the insignia of office, any religious ceremony, rried in the ceremonies urch alone. Secondly, ad got up of late, cal- afford great, and he ust, offence to Protest- ctice of claiming and t the part of the Roman alates, the names and gnitaries belonging to of England. He prohibit the assumption, of the Roman Catholic iscopal titles and names in the Church of Eng- lly, it was necess-

universities or colleges, or institutions upon Protestant foundations, such as Eton, Westminster, Winchester, or any ecclesiastical schools of the same kind ; in addition to which, he meant to retain the law against even presentations by Catholics to places of this kind ; and he proposed farther, that, in case a Catholic, by virtue of his situation or property, should hold any office of church patronage, such influence should be attached to, and exclusively vested in, the Crown. He further proposed, that it should not be lawful for any Catholic to advise the Crown regarding the investiture or distribution of any ecclesiastical dignity in the established church of England or Ireland. Of other ecclesiastical securities, as they were called, which had at different times been proposed, he entirely disapproved. One proposal had been, to provide for the Roman Catholic church, and incorporate it with the state. But this would require negotiation

Pope of Rome, or any other foreign prince, prelate, person, state, or potentate, hath or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm. I do swear, that I will defend to the utmost of my power, the settlement of the property within this realm as established by the laws. And I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church establishment, as settled by the law within this realm. And I do solemnly swear that I never will exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion, or Protestant government in this kingdom. And I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of this Oath, without any evasion, equivocation, or mental reservation whatsoever."

and compact with the See of Rome, and he saw the greatest difficulties in arriving at any such result. There was something revolting to the feelings of Englishmen, to the independence and pride of this country, in the king of England being obliged to go to a foreign ecclesiastical court like that of Rome, for the purpose of obtaining securities, and determining on what footing his own subjects were to stand. They could not approach the court of Rome on such a subject, without admitting it at once as an authority in legislation, and recognizing its right to withhold its assent from the measure. On that ground he took it that negotiations of this nature with the court of Rome were incompatible with the dignity, the character, and the independence of England ; and this was a sufficient objection to that mode of attempting to provide securities for the Protestant establishment in church and state. Moreover the incorporation of the Roman Catholic church with the state, the granting to the Crown a control over the appointment of the Roman Catholic clergy, and the payment of salaries by the state to the ministers of that religion, would be a measure more repugnant to the feelings and principles of the inhabitants of this country, than any other measure that could be devised.

A veto on the nomination of the Catholic bishops was another security which had been contained in former proposed bills ; but that, too, he would give up. His objection to it was, that it would be considered, and not unjustly, as the commencement of a qualified establishment with regard to the Roman Catholic church. He objected to it, not that he thought

ceive a favour from the popular branch of the constitution, and leaving him disqualified to receive a favour from the Crown; of allowing him to acquire distinction by flattering the prejudices and court- ing the applause of the people, and depriving the Crown of the power to reward him for any exertions which he might make in support of its honour and dignity. In order to leave the avenues of ambition in parliament open to the Roman Catholic, he was of opinion that we ought to render him capable of being employed in the civil service of his country. It necessarily followed from these concessions, that the oaths taken by members of the legislature must be modified. In the new oath, the Catholic member would be called on to swear allegiance in the usual terms,—to disclaim the deposing power of the Pope, and the doctrine that his holiness had any temporal or civil power, directly or indirectly, within the realm,—solemnly to abjure any intention of subverting the Church Establishment, and to bind himself not to employ any of his privileges to weaken the Protestant religion or government.* No

doubt, there was no disclaimer of certain other doctrines,—the doctrine that faith was not to be kept with heretics—the doctrine that persons could be relieved by the Pope from the solemn obligations of an oath. But to require them to make those and other disclaimers of a similar character, was, in his opinion, an unnecessary piece of legislation. He had omitted them as unnecessary to be applied to those who were thought worthy to be incorporated in that House.

The remaining part of the measure regarded the exceptions from the general rule—the securities which were to be retained, in the midst of concession, as the safeguards of the Protestant Constitution. These lay within a narrow compass, and related to duties or offices connected with the established church. The only offices, from which Mr. Peel proposed to exclude Catholics, were those of Lord Lieutenant, or chief governor of Ireland, and of Lord High Chancellor, or Keeper, or Commissioner of the Great Seal. He also meant to exclude Catholics from appointments in any of the

* The following was the form of the Oath, as read by Mr. Peel.

“I, A.B., do declare, that I profess the Roman Catholic Religion.” “I, A.B. do sincerely promise and swear, that I will be faithful and bear true allegiance to his Majesty King George IV., and will defend him to the utmost of my power against all conspiracies and attempts whatever which shall be made against his person, crown, or dignity, and I will do my utmost endeavour to disclose and make known to his Majesty, his heirs and successors, all treasons and traitorous conspiracies which may be formed against him or them. And I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession to the Crown, which succession,

by an Act entitled ‘An Act for the further limitation of the Crown, and the better securing the rights and liberties of the subject,’ is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of these realms. And I do further declare, that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion, that princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or by any person whatsoever. And I do declare, that I do not believe that the

to enact some regulations for monastic institutions. At present, such societies were not interfered with; and with the existing communities he did not propose to interfere to any considerable extent. However, it was manifest that we ought to know the numbers of these societies, and who were the members of them; and with a view to obtain this information, government intended to make a provision for having the names and numbers of the individuals composing such communities registered. They would also require that communities bound by monastic vows should not be extended and multiplied in this country in future; and it was meant to provide against the entrance into this country of a class of men, against whom other countries had set their faces, and who hitherto, therefore, had resorted to this; he meant the order of Jesuits. Other countries had taken precautions against them, and why should not we? The state of the law, as now proposed to be established, would at least give to every party belonging to these religious orders and communities the full enjoyment of the rights which they enjoyed at present; it would confirm their existing privileges on a registration of their names and numbers. We had a clear right to take measures of security and precaution against the entrance of other members of these orders into the country, and against the extension of religious communities, professing no allegiance to any authority in this country, and being under the control of foreign superiors, resident, it might be, at the Court of Rome.

Such was the plan described by Mr. Peel as that which ministers meant to propose for the new set-

tlement of the constitution; such were the grounds on which he maintained, that such a new settlement could no longer be postponed. A concomitant measure was the raising of the freehold qualification in Ireland. But, although Mr. Peel developed, at some length, in the course of his speech, the principles on which he called for the assent of parliament to the disfranchisement of the forty-shilling freeholders, in return for the concessions to be granted, yet, as that measure was contained in a separate bill, which ran its own course, it seems better to reserve the discussions regarding it for their own place, merely observing that it was always held out as a change which must accompany the other more important measure, whether in success or defeat. Ministers would not ask for it, unless emancipation were granted; and, if emancipation were granted, they would not dispense with it. "And now," continued Mr. Peel, concluding a speech which occupied more than four hours, "although I am not so sanguine as others in my expectations of the future, I have not the slightest hesitation in saying, I fully believe that the adjustment of this question in the manner proposed will not only give much better and stronger securities to the Protestant interest and establishment than any other that the present state of things admits of, but will also avert evils and dangers impending and immediate. I know I might have taken a more popular and palatable course, more popular with the individuals in concert with whom I long thought and acted, more palatable to the constituents whom I have lost; but I have consulted for the best for Protestant interests and our Protestant establishments. This

is my defence against the accusations I have endured,—this is my consolation under the sacrifices I have made,—this shall be my revenge. I trust that, by the means now proposed, the moral storm may be lulled into a calm, the waters of strife may subside, and the elements of discord be stilled and composed. But if these expectations be disappointed—if, unhappily, civil strife and contentions shall arise,—if the differences existing between us do not spring out of artificial distinctions and unequal privileges, but if there be something in the character of the Roman Catholic religion, not to be contented with a participation of equal privileges or with anything short of superiority, still I shall be content to make the trial. If the battle must be fought,—if the contest, which we would now avoid, cannot be averted by those means,—let the worst come to the worst, the battle will be fought for other objects, the contest will take place on other grounds. The contest then will be, not for an equality of civil rights, but for the predominance of an intolerant religion. If those more gloomy predictions shall be realized, and if our more favourable hopes shall not be justified by the result, we can fight that battle against the predominance of an intolerant religion more advantageously after this measure shall have passed, than we could do at present. We shall then have the sympathy of other nations; we shall have dissolved the great moral alliance that existed among the Roman Catholics—we shall have with us those great and illustrious authorities that long supported this measure, and which will then be transferred to us and ranged upon our side; and I do not doubt that in

that contest we shall be victorious, aided as we shall be by the unanimous feeling of all classes of society in this country, as demonstrated in the numerous petitions presented to this House, in which I find the best and most real securities for the maintenance of our Protestant Constitution—aided, I will add, by the union of orthodoxy and dissent; by the assenting voice of Scotland; and, if other aid be necessary, cheered by the sympathies of every free state, and by the wishes and prayers of every free man, in whatever clime, or under whatever form of government he may live.

The debate upon the motion for going into a committee, was continued by adjournment, upon the 6th of March. The principal supporters of the proposal were found among ministers, and their converted adherents. The whigs, satisfied with approving and lauding the ministry, did not take any leading share in the discussion. Lord Milton, sir J. Newport, Mr. Brougham, and sir F. Burdett spoke, but left the task of justification to the introducers of the measure, to whom it was much more difficult than to those, who, by their present vote, were only repeating opinions which they had long entertained, and often expressed.

In opposition to the motion, Mr. Bankes, sir Robert Inglis, who had succeeded Mr. Peel in the representation of Oxford, and Mr. Clinton, denied, that any one, or all, of the grounds, on which this new policy had been adopted by government, could be admitted as valid. The grounds stated by Mr. Peel, had been, the state of Ireland, the evils of a divided cabinet, the difficulty of managing a House of Commons which left him in a minority, and

the mischiefs consequent upon a division between the two branches of the legislature. In regard to the first, the discord and agitation to be found in Ireland, not only were no new features in the history of that country, but were not even the result of the penal laws, and would not disappear on the removal of civil disabilities. These evils had existed in Ireland, in one shape or another, as long as we had known it; and ministers were bound to shew that the situation of Ireland was worse than it had been, when they held themselves bound, in justice to the country, to resist concession. The opponents of emancipation were asked, what other remedy they would propose for the mischiefs of the present state of things. It would be enough to say, that, at all events, a remedy was not to be sought in the overthrow of the Protestant constitution, an evil in comparison with which all others became as nothing. According to the account of ministers themselves, the Catholic Association had been a main instrument in producing that disease, for which they could now discover no cure save concession. But confessedly, at the same time, not even an attempt had been made to crush that usurping convention. Acts had been passed for that purpose, and the very ministers who called for them had allowed them, when obtained, to remain inoperative. With respect to the argument founded on the divided state of the cabinet, why did not the duke of Wellington and Mr. Peel, instead of changing their own course, rather attempt to make such of their colleagues, as were friendly to concession, accede to their views—the rather, as the right honorable gentleman

stated that his opinions of the danger of granting Catholic emancipation were unchanged. Surely he could not be fearful of being able to form a cabinet unanimous on the point of exclusion, and therefore should never have struck those colours, under which there were no difficulties too great to surmount. As to the danger of a civil war, unless the intended measure were acceded to, ministers had erred in not relying on the aid and force which they would have derived from public opinion, and the moral determination of the people of England. Besides, it was not a choice between civil war and concession, as far as the people of Ireland were concerned; but a far greater chance of civil war to-morrow, on the part of the Protestants of England, if the Catholics were admitted to the entire privileges of the constitution. At best, it was only postponing the evil day; and it was for the House to consider, under what different circumstances the attack could be resisted now, from those to which it would be possible to meet it, when the Catholics possessed all the political immunities of the constitution. Unfortunately, the very manner, in which the measure was brought forward, provoked further attack. It was not the triumph of those who had long espoused the cause, gradually working their way by the power of opinion: it was the victory of force, driving former enemies into desertion, by intimidation. It told the agitators of Ireland, that they were too strong for the government of Britain, that whatever they asked would be conceded, even to the giving up of the constitution, provided only it were asked with enough of clamour and confusion. Ministers themselves did

not venture to represent this measure as an act of grace, but as one which had been forced upon them by imperious necessity, many of them still retaining their former opinions, and having their eyes open to all the evils likely to result from the course which they were pursuing. No rational man could expect, that the Catholics, and Catholic priesthood, would remain satisfied even with what was now given. The re-establishment of their church was not only their interest; if they were Catholics, it was their sacred duty, an obligation far more holy than that of battling for a civil franchise, which, in truth, would be chiefly valuable only as an instrument by which to regain religious preponderance. Even the home secretary seemed to anticipate an ulterior struggle, which implied that he believed the Catholics to entertain ulterior objects; and it was inexplicable wisdom to prepare for a contest, by clothing your enemy in new armour, and putting into his hands new weapons of offence.

The intimidated spirit from which the proposal had sprung, was manifest, too, in those ridiculous provisions, which were called securities, against the danger of admitting Catholics to wield the civil, judicial, and military powers of the state. Admission was declared to be the general rule of the bill; and the securities were to be found in the exception of two offices, all the power connected with which could be just as mischievously employed by the influence of Catholics filling other offices, to which no disqualification was attached. The lord chancellor was not to be a Catholic; but the first lord of the Treasury might, and so might all the rest of the cabinet ministers.

The lord chancellor, who had the patronage and disposal of some of the smaller and less important church livings, could not be a Catholic, lest church patronage should fall into the hands of a professor of a hostile doctrine; but then the first lord of the Treasury, who recommended to the Crown persons who were to act as bishops in the Protestant church, might be a Catholic. Mr. Peel had stated, that, if any office to which church patronage was attached, happened to be filled by a Catholic, that patronage was to be transferred to some other source. What did this mean? The first lord of the Treasury was the individual who recommended to the Crown the appointment of the higher dignitaries and bishops of the church; but the appointment did not rest in himself, and therefore it would seem that there was nothing to prevent the first lord of the Treasury, being a Catholic, from recommending to the sovereign, persons to be appointed to bishopricks; though the first lord of the Treasury, or the chancellor of the duchy of Lancaster, if Catholics, could not exert the direct influence which might belong to their offices in conferring minor church preferments. The proposed securities or restrictions, or rather exceptions, were quite sufficient as a badge or mark to distinguish the Catholics as belonging to an inferior sect not worthy of these privileges, but for any practical purpose they were entirely useless. Small as they were in themselves, they were admissions of the existence of ulterior dangers, and that there were other objects behind, which the Roman Catholics had the wish and the will to accomplish, if they should be allowed sufficient power.

Else why say, when you grant almost all that they desire, that still you are not willing to trust them without some restriction, which shows you do not consider them worthy to be trusted?

Moreover, why was this change of the constitution to be forced upon the people of Britain in defiance of public opinion? Was there only one party to be regarded in the transaction? Was every thing else to be swallowed up in the interrogatories—what do the Catholics want? what do the Catholics threaten? And was it to be forgotten that there were such beings in existence as the Protestant population of England and Scotland? No observant man could doubt that public opinion, manifested by the petitions which were pouring into the House day after day, was opposed to concession. When Mr. Peel admitted that, in the event of a new election, this country would return a majority determined to resist, he admitted that he was forcing through parliament a measure of which this country disapproved; and was it right, or prudent, that, on the most important change, which had taken place since the Revolution, the voice of the country should be, not merely not consulted, but contemned and set at defiance? The country, forsooth, should have borne this in mind at the election of 1826; and should have tied down their representatives to vote against concession; and so they would have done, if they had been told, that the men, whom they trusted, were so soon to desert, and to betray them. The Catholic Question was not made a leading feature in the election of 1826 because the people saw a minister in power, under whom, supported

as he was by the very proposers of the present measure, they had no apprehension that any system of concession, and least of all, of boundless, and unqualified concession, could ever succeed. How, moreover, could so flimsy a pretext for disregarding the wishes of the country, be listened to in the mouth of Mr. Peel? According to his own statement, he had found, in 1825, that the nearly balanced state of the House rendered it difficult for government to proceed. It would only have been fair, therefore, in the home secretary, knowing with what unbounded confidence the people reposed on him, to have told them, that, unless they gave him a House of Commons decidedly adverse to concession, he would immediately abandon them for the enemy. It was confidence in the known opinions and the supposed firmness of the leading ministers, which had prevented the anti-catholic party from courting excitation at the elections by putting forth a strength which seemed to be unnecessary; and it was strange logic, as well as strange morality, that the men, who had thus been trusted, should make the very confidence reposed in them a pretext for betraying it. But again, if Mr. Peel, and other new made converts, seriously thought that they could no longer be called on to resist, because they had not a majority in the House of Commons, what did they mean by refusing to accept a majority? Let parliament be but dissolved, and there would be an end of that pretext. If the opinion expressed in petitions was to be contemned, and the voice of the country, as Mr. Peel had avowed, was to be listened to only as it came from its representatives, give the people at

least an opportunity of so expressing it. It was mere absurdity to talk of the constitution of the present House as a deliberate manifestation of the public voice, and the public wishes; ministers themselves admitted that it was not, for they could not deny that a new election would return a majority fatal to the Catholic claims. But what did they mean by deserting the field, because the people had left them unarmed, and yet refusing in the very same breath, to adopt the constitutional means which would enable the people to send them forth to certain victory? Let them say at once that they were determined to surrender the constitution, be the opinion of the country what it might; but, let them not seek, in the state of parliamentary opinion regarding this measure, a false and flimsy excuse for capitulating, while they declined to use the only expedient, by which a parliamentary opinion, representing that of the country, could be ascertained.

Different members, accordingly, urged the propriety of dissolving parliament, as a measure which would be right at any time, when such a revolution was in view as a deliberate breaking up of the constitution, and which was peculiarly necessary in the present instance, where the country had been deceived into a security, of which those, who had practised the deception, were now seeking to take advantage. The marquis of Blandford maintained, that, if the House sanctioned the present audacious invasion of the constitution, it would break the trust reposed in it as the representatives of the people of England, who, he contended, were taken by surprise by

the unexpected announcement with which ministers opened the session. Was it right for the government to persist in measures, to which public feeling was so strongly opposed? Constituted as the House was then, it did not express the just alarms of the people for the safety of the Protestant institutions of the country. Ministers should first have taken the deliberate opinions of the public, before they proceeded with their intended invasion of the constitution.

Mr. Estcourt, one of the members for the University of Oxford, denied that the present parliament was qualified to settle the Catholic question. It had been elected in 1826, when the affairs of the country were under the guidance of that vigilant protector of the Protestant cause—the late lord Liverpool. There was not then the same anxiety about the Catholic question, for the country had confidence in his lordship, and in the right hon. home secretary himself. It was therefore incumbent on ministers to have taken the sense of the country, by calling a new House of Commons, before they ventured to introduce so extraordinary a measure as that of admitting the Catholics to parliament and to the offices of the state. Were the purposes, for which the constitution of 1688, the date of the civil and religious liberties of England, was framed, compatible with the measure which the House was then called upon to sanction? Was not that constitution framed for a specific purpose,—namely, the driving out of a Popish king, and the abolishing of Popish counsels? If so,—and that it was so the preamble of the Bill of Rights and

the whole tenour of the Act of Settlement proved—why was not the conduct, pursued in 1688, when the constitution was founded, imitated, when it was designed to alter that constitution? In 1688 the sense of the country was taken by calling the convention parliament, before the constitution was established. At present, it was not too much to ask, why the sense of the country should not also be taken, when that constitution was about to be invaded. He felt the more anxious that the feelings of the people towards the Catholic question should be faithfully represented, because he had heard of no security for the preservation of the established church and the upholding of Protestant ascendancy.

Among the opponents of the bill was viscount Corry, who had seconded the address, agreeing to his majesty's recommendation to take the subject into consideration. He had seconded that address, he said, because he conceived that the adjustment of the question could be much better effected under the immediate influence of government than upon the motion of any individual; but at the same time he had reserved to himself the right of exercising an unbiassed opinion with respect to the measure when it should be brought forward, and had distinctly stated that he should be opposed to any measure of relief, which was not accompanied with sufficient safeguards. However sanguine might have been the hopes he had entertained that he should be able to agree with ministers with respect to the important measure in contemplation, he must confess that the plan, which had now been detailed, had completely dissipated

them. He had in vain looked for securities. In fact, with the exception of the 40s. franchise being raised to 10*l.*, there was no attempt at securities, and even that was only a half measure. With this single exception, and the exclusion of Catholics from the offices of lord-lieutenant of Ireland, and lord-chancellors of England and Ireland, the bill was one of unqualified, unconditional emancipation. To a measure of this sort he could never assent; and although it might be more strictly conformable to the forms of the House to state his objection to the measure in the committee, he felt that he was pursuing a more straight-forward course by opposing *in limine* a measure to which he had the strongest objection, than by waiting till the Speaker should leave the chair, with the hope of obtaining securities which he saw it was in vain to expect.

The motion, on the other hand, was supported by sir G. Murray, the colonial secretary, Mr. C. Grant, Mr. North, and Mr. Huskisson; the opposition members who spoke contenting themselves, as has been already noticed, with general approbation and congratulation. They repeated and enforced the positions, that the pacification of Ireland was necessary to the safety of the empire, and that without emancipation that pacification could not be effected. It had been often averred, they said, that emancipation, however interesting to a few of the higher classes, was utterly uninteresting to the great bulk of the population of Ireland; but the recent events in Ireland completely refuted such statements; for all classes had identified themselves with that very question.

The result had been, that Ireland had fallen into a state in which it was impossible for it to remain; it must either advance or recede, for all the ties, which held society together, had been loosened or broken. The only question, then, which the government had to determine was, whether it should attempt to forward or to throw back the improvement of the condition of the people of Ireland. By retracing our steps nothing could be done. A certain state of things, indeed, not deserving the name of society, might be maintained by means of the sword, but such a frame of society could have no analogy whatever to the British constitution. The only intimidation which ministers could be accused of yielding to, was the fear of continuing such a state of things, and aggravating all its evils by gradual accumulation, instead of restoring mutual good will, and the peaceful empire of the law. There was no other intimidation in existence. The power of the Catholics was as nothing. No intimidation had been felt in Ireland; an unarmed multitude afforded none, since, when measured against the power of the state, its force was as nothing. But when it was considered what effects might arise from disunion,—when it was considered that a spirit of resentment was growing up, which roused men against each other, there did appear a kind of intimidation, of a nature which did not admit of being despised; for no army could be effectual in putting down a system of private outrage and revenge. The Protestant body—at least the body which arrogated to itself that title—knew the enthrallment under which they had held the Catholics, and that an unarmed multitude

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must submit. But were we to destroy one part of the people by rousing and inciting the other? It was the duty of government to protect the whole, to ensure them the greatest degree of protection, and to give to the people all the privileges they had a right to enjoy.

To those who urged a dissolution of parliament, that the country might have an opportunity of expressing its opinion upon the measure, it was answered, that parliament, as it existed, was as capable of discussing this question now, as any parliament had been at any time during the last five and twenty years; that this, like every other question, either of a foreign or domestic nature, was fit for the consideration of the House of Commons at all times, when brought forward by any member of that House; and that it was particularly fit for their consideration, when it came recommended from the throne as necessary for the safety and the peace of the United Kingdom. A dissolution of parliament, said Mr. Peel, meant, that the Catholic Association and the elective franchise should be left as they were. If parliament were to be dissolved, the Catholic Association must be left as it was; for the law-officers of the Crown had declared, that the common law was inadequate to suppress it; and being so left, it would overturn the representation of Ireland. Whatever majority they might have from Great Britain, that majority would not justify them in bursting asunder the ties between landlord and tenant in Ireland, and in strengthening the influence of the priesthood in that country. If eighty or ninety persons were returned in the interest of the Catholic Association, and, form-

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ing themselves into a compact and united band, were determined nightly to harass and oppose, how could the government transact the affairs of Ireland? He knew that they could carry the measures they proposed; but he knew also that no government could carry on the local administration of Ireland, if they were to be met by such a decided opposition at every turn. It had been said, increase the army or the constabulary force in Ireland. They could not apply a greater force in Ireland. He would state one simple fact. Above five-sixths of the infantry had been employed in conducting the government of Ireland, not in repressing violence, but chiefly in interposing between two hostile parties. There must, under such circumstances, be a reaction which would compel them gradually to this alternative,—namely, instead of resting the civil and social government on its base, to narrow it and to rest it on its apex. Neither was there any thing peculiar in the nature of the proposed measure to require a special appeal to the people. It was incorrect to represent it as a violation of the constitution. That constitution was not to be sought for solely in the acts of 1688; its foundations had been laid much earlier—laid by Catholic hands, and cemented with Catholic blood. But, even taking the compact of 1688 to be the foundation of our rights and liberties, yet the most diligent opponent of the Catholic claims would be unable to point out, in the Bill of Rights a single clause, by which the exclusion of Roman Catholics from seats in parliament was declared to be either a fundamental or an indispensable principle of the British constitution. It was true that the Bill of Rights

recorded the grievances committed against the liberties of the people by the preceding monarch, and the remedies provided to prevent a recurrence of them; and that it excluded from the throne any person who should refuse to take the declaration which it contained, and who should profess the popish religion. Such were the two distinctions drawn in the Bill of Rights; but the indispensable articles of it related to the liberties so guaranteed to the people, and to the protection of the throne from the intrusion of popery. All else was mere machinery. The Bill of Rights provided that the king should make, subscribe, and audibly repeat, the declaration mentioned in the statute made in the 30th year of the reign of Charles II.; and the allusion to that act showed, that it came within the contemplation of those who were the authors and promoters of the Revolution. If, then, they had been of opinion, that the exclusion of Roman Catholics from seats in parliament was as indispensable as the Protestant character of the person who filled the throne, how did it happen that there was no provision for the one, when there was an express provision for the other? They found no difficulty in saying, that, if the king should hold communion with the church of Rome, or profess the popish religion, or marry a papist, he should be excluded from the throne; and that, in such cases, the people were absolved from their allegiance: and it would have been just as easy, and, if they had entertained such an intention, it would have been almost impossible for them to have omitted saying, that every Roman Catholic should be prohibited from taking his seat in either House of parliament, and

that the consent of the king to his admission should also be considered as a just cause for absolving the subject from his allegiance.

To the objection that the measure now contemplated was unconditional concession — concession without a single security for the Protestant establishment—it was answered, that principles of exclusion were not the securities to which the established religion either did trust, or ought to trust. The real securities of Protestantism would remain unaffected by the bill. They were to be found in the unalterable attachment of the people, who, however much they might be divided on minor topics, would unite in resisting the errors of popery. The safety of the church did not depend on particular statutes, but on the combined force of habits and circumstances, which were not to be shaken. The House should look, too, at that great security which they would derive from the generous attachment of the people of Ireland, who, after ages of oppression, would now find themselves restored to their place in society. Moreover, the securities, which the bill actually contained, were not, in the opinion, at least, of the Protestants of Ireland, so nugatory as they were now represented. Mr. Peel said, that when he looked at the petitions which had been sent from all parts of the country, he could not help observing one very extraordinary coincidence. These petitions prayed for those securities, and the prayers of them were couched in terms so exactly similar, whether they came from the county of Wicklow, or from the county of Cork, or from the county of Armagh, or from the county of Wexford, that it was impossible to arrive at any

other conclusion, than that those prayers, and the terms in which they were conveyed, had been suggested by some common head and source. And what were the three securities prayed for? Why, the first was, "Put down the Catholic Association." The second was, "Correct the elective franchise of Ireland." And the third was, "Abolish for the future the order of the Jesuits in this country." Now the bill which he proposed happened to contain all these securities. And if the necessity of them were so great as the petitioners contended they were, let him be answered this question,—would the Protestants ever have had the least chance of obtaining them, if his Majesty had not recommended that the disabilities of the Catholics should be taken into consideration, with the view to an adjustment of this question? Could any man say it was possible, though the unanimous voice of the Protestants of Ireland declared these securities to be necessary, that any one of them could have been obtained unless a proposal of adjustment had been made?

On a division, the motion was carried by a majority of 188; the votes being, 348 for the motion, and 160 against it. This preponderance was manifestly decisive of the ultimate fate of the question, at least in the House of Commons; and its extent betrayed an overwhelming weight of ministerial influence, which could scarcely fail to be less successfully employed in the House of Peers.

The country did not desert itself. Though deprived of its accustomed leaders, at the very moment when their vigilance and energy were most required, the public voice announced itself in an expression

of decided opposition; and if a judgment was to be formed from the number of petitions, which began, so soon as the intention of ministers was known, to crowd the tables of both Houses, the proposed measure was one to which the public mind of Britain was utterly averse. Ministers did not attempt to deny the fact, and hence their determination not to risk a new election. Hence, too, a determination to treat the petitioners with as little respect as possible, to regard the petitions as impertinent and troublesome encroachments on the time of an assembly, whose resolutions had been already taken. Before the first reading of the bill, there had been presented nine hundred and fifty-seven petitions against the intended alteration, and three hundred and fifty-seven in its favour. The former were uniformly spoken of with pity, as expressions of well-meaning but ignorant prejudice, or with indignation as the result of persecuting illiberality and knavish contrivance. It is quite true that such modes of expressing opinion always admit the expression of a great deal of opinion which is entitled to little weight: but then the very same facilities exist on both sides; no deduction is to be made from the one, which is not, on the same grounds, to be made from the other; and, after all proper subtractions, the fact remained, that the measure which was now to be forced upon the country was odious to the great majority of its Protestant population. But in parliament they were without leaders of weight and reputation; all the talkers were on the other side; their orators and influential men had wheeled round at the word of their captain, and joined the ranks of the

enemy. The changes, which rushed upon the public eye, were astounding. Those of men like Mr. Peel were matter of melancholy seriousness, because destructive of all public confidence, and drawing with them a practical revolution in the system of government. The hurried wheelings of the subaltern performers, were the ordinary phenomena of official nature, and only excited a smile at the awkwardness with which the evolution was sometimes performed.

But there were examples of change among men who ought to have stood aloof from the threats, as from the seductions, of power. Sir Thomas Lethbridge, one of the Members for Somersetshire, had attended a meeting of the county of Devon, held in the middle of January, to petition against farther concessions to the Catholics. He had there been the organ of most obstinate and enthusiastic resistance to their demands. On the 6th of February, after the royal speech, he had announced that his opinions were unchanged. In the beginning of March he now read his recantation, and announced all at once, that the plan of ministers was wise, patriotic, and excellent in all its parts. Announcements like these were received with shouts of laughter by the House, and with utter loathing by the country.

The House having gone into committee, and agreed to certain resolutions, a bill, in conformity, was directed to be prepared. It was brought in by Mr. Peel on the 10th of March, when it was read a first time. The opponents of the measure allowed the first reading to take place without opposition, it being arranged that the debate on the principle of the bill should take place on the second reading.

That reading was fixed for the 17th, notwithstanding the opposition of the anti-catholic members, who insisted that a week was too short a period to allow the country to form an opinion on the bill, after it should have been printed, and its details known. It was answered, that only the general principle of the bill was to be then decided: the details would remain for discussion in committee: that delay was sought only to rouse the prejudices, and inflame the passions of the people; and that, considering the state of excitation in which the public mind already was, it would be desirable to allay the agitation, by settling the question with all possible speed. Sir Francis Burdett, in fact, had already

said, in the debate on the motion for a committee, that "It was better to get on with the measure than to argue about it; that action, not talking, was to be looked to."—In truth, the inefficiency of the anti-catholic population of Britain consisted in their very quietude. If, instead of confining their expression of opinion to petitions, they had followed the example of the Catholics of Ireland, and addressed to Ministers the same argument of "agitation" which had been so effective in the hands of the Association, their opinions would have come in that form, which, when adopted on the other side, ministers allowed to be legitimate and irresistible.

CHAP. III.

Debate on the Second Reading of the Catholic Relief Bill—Speeches of Mr. Sadler, Mr. R. Grant, Sir Charles Wetherell—The Second Reading carried—Amendments proposed in the Bill in the Committee—Amendment moved, to include the place of Prime Minister among the excepted Offices—Bill read a third time, and passed by the House of Commons—Sir Charles Wetherell dismissed from the Office of Attorney General.

ON the 17th of March, Mr. Peel moved that the bill for the relief of the Roman Catholics should be read a second time. The motion led to a debate which was continued, by adjournment, on the 18th. In so far as the speakers reiterated the grounds on which the necessity of emancipation had been maintained so long, it would be wearisome to repeat what has been so often recorded. It will only be necessary to notice those less hacknied topics, which sprung out of the nature and history of the particular measure itself, and the situation of the persons, who, for the first time, had been brought to see its expediency.

Sir Edward Knatchbull, one of the members for the county of Kent, in opposing the bill, maintained, that it was in vain for Mr. Peel, and others of the ministry who had changed sides along with him, to seek a justification in the state of Ireland; for it would be ridiculous to represent that state as being more alarming than it had often been during the years in which these men had set themselves against every degree of concession. There was not a single point in the condition or history of Ireland, which had not been urged

over and over again as a reason for concession, and which Mr. Peel and his friends had not as constantly rejected as a reason for adopting measures, which they still allowed were innovations on the constitution. When they stood upon the condition of Ireland as the sole reason for a change, not of opinions, but of conduct, they were bound to shew, what there was in that condition more pernicious and alarming than what had been before; but that was not the fact. The present lord Plunkett, when, as attorney general, he prosecuted some ribbandmen in 1822, had stated, that "the individuals he was then prosecuting belonged to a society consisting entirely of Roman Catholics, whose object was, to overthrow the government of the country." Assuredly Ireland presented no worse symptom now. Not one of the converted ministers could draw any picture of Ireland, which was not a copy of some old, and still more horrid portraiture, at which they themselves had been accustomed, till three months ago, to look without apprehension. Mr. Peel had seen before him for years every cause of change, which he could find now; if he

yielded now, he ought never to have resisted; and how was he to excuse himself for having quitted the ministry of Mr. Canning in 1827, because Mr. Canning was inclined to do that which Mr. Peel had now determined to do, and which, if it was to be done at all, would have been far better done, when Mr. Peel insisted that it ought never to be done at all? Concession would have come with a far better grace from Mr. Canning, the long tried friend of the Catholics, than when extorted from men who had invariably been their opponents. Since the home secretary saw so clearly now, it would have been well for himself and the country if he had seen as clearly in 1827, when his gifted friend was still living, and minister. Mr. Canning had said then, as so many had often said before, every thing that Mr. Peel could say now; but Mr. Peel, just because all that could be said was insufficient to justify a breach of the constitution like that now meditated, had broken off his political connection with Mr. Canning, had resigned his office, supported by a body of friends and political adherents, more numerous and respectable than had ever followed a retiring minister, and supported by them merely because they saw in that retirement a new pledge of his honest adherence to the cause which he had now abandoned. Yet this was the very man, who, in the moment of his desertion, turns round and accuses his friends of having failed to support him! "Of all changes," said sir Edward, "want of support by his friends, is the very last I should have expected to hear from him. He has even alluded, with no friendly feel-

ing to the meeting of the county, which I have the honour to represent, (Kent) to petition parliament to maintain the Protestant constitution. I can only say, that, in holding that meeting, we thought we were giving him our best and utmost support." Equally frivolous was it for the right hon. secretary to talk of the small majorities, which of late years had sometimes carried the question in favour of the Catholics, as a justification of his throwing himself into their arms. Even the present majority was insufficient for that purpose. All the world knew, how it had been manufactured. Ministers first secured a majority by changing, and then pretended to change because there was a majority. If the home secretary and his colleagues had joined their voices and influence to the one hundred and sixty members, who, but the other night, had voted against the committee, the vote of that night would have been very different. Still less fair and comprehensible was the argument pretended to be drawn from the evils of a divided cabinet. Was the present cabinet more divided on this question than any other of which Mr. Peel had been a member? It was much less so. If the noble duke at the head of it had pursued a different course, was there a doubt that there would be no disunion on the subject. The case was different, when Mr. Huskisson, Mr. C. Grant, and lord Palmerston, all of them friendly to emancipation, formed part of the ministry; but when they retired from office, and the duke of Wellington supplied their places with men selected by himself, the argument of a divided cabinet was at an end. It was not considerations

like these that had produced change ; it was the determination to change that had rendered arguments like these convenient. The best answer, therefore, to the new supporters of the present measure was to be found in their former convictions. The resistance of the people of this country was not to the personal character of the Catholics, but to the principles and influence of their religion. They were convinced, that Popery and Protestantism could not exist together upon an equal footing. "Of these two religions, one or other must have the ascendancy," were grave and true words ; and whose were they ? These had been, not long ago, the words of Mr. Peel himself, when combating, on that very ground, the measures which he was now defending, and defending without even attempting to assert that the elements of a struggle for ascendancy had been weakened or annihilated. The measure was bad in itself,—better for the Catholics than they had ever dared to hope, and worse for the Protestants than they had ever dreaded ; giving up the constitution to the one, and amusing the other with paltry things, called securities, which were utterly impotent for any useful purpose ; and it was doubly bad as being enforced by unaccountable changes of conduct, which destroyed all belief in public principle. The character of public men was of the highest importance to the state ; but from the course which many had lately pursued, public men would henceforward be viewed with a jealous and suspicious eye by the nation at large. In vain would the home secretary attempt to explain conduct, inconsistent with his whole former political life. The confidence, which

had been hitherto accorded to public men, had received a blow from which it never would recover : *nusquam tuta fides*.

The chancellor of the Exchequer (Mr. Goulburn) admitted he was one of those who had adopted new opinions on this subject ; but he had done so, because it was impossible that any other thing could wisely be done. That impossibility arose from the state of Ireland. It was true, that crimes and outrage did not prevail now so generally as they had done at some former periods ; but the whole country was the prey of an increased exasperation of party feelings and prejudices. The whole frame of society had been disturbed by the political differences of contending parties ; each man was arrayed in hostility against the other, and it required the interposition of a military force to preserve the peace, and tranquillity of that country. But, even admitting that there was nothing new in the state of Ireland, was there no danger in an evil which was continually increasing ? no increase of the danger in the continued progress of the disease during a series of years, no additional danger in the prospects which presented themselves from the progression of that disorder, until it had reached every individual in the country, and had well nigh broken up the very foundations upon which society rested ? The question, it was said, was a religious question ; one or other of the two religions—the Catholic or the Protestant—must be the ascendant. On that point he entirely concurred with Mr. Peel ; and that was his justification for the course which he had adopted in reference to this question. He would unhesitat-

ingly assert, that the measure, which had been recommended from the throne to parliament, had mainly for its object to make the Protestant religion the ascendant. The church of Ireland occupied a peculiar situation. It was the religion of the minority of the people, while the great majority professed a different faith. Up to rather a recent period, harmony and good will prevailed amongst the professors of those different creeds. But there had lately arisen in that country a combination which extended itself throughout every class of the Catholic community, with an organization unexampled in other countries, or amongst other political societies, and whose principal hostility was directed against the Established Church. The support of that church mainly depended on the purity of its doctrines, as evinced in the character and conduct of its professors, and on the good will and affections of those from whose religious opinions it dissented; and it depended further upon the uniform and steady support of parliament, and of the Protestant government of the country. By whatever means it had been brought about, an important alteration had taken place in the feelings and opinions of the Catholic population in Ireland, in reference to the established church; and it was now certain, that their prejudices and their hostility had been actively excited against that establishment. It was only necessary, in proof of this, to draw the attention of the House to the productions which emanated from the daily press on the subject of the church and its revenues,—to the laborious efforts which were made to excite

a hostile disposition against that church amongst the Catholic population,—and to the effects which a continual agitation, carried on upon such a system, produced upon the minds of the Catholic people of Ireland. His attention had been directed to this subject for some time back, and allusions were made to the altered state of feeling amongst the Catholic population, in various letters which had reached him from different parts of Ireland, all complaining that the Protestant clergy were not now viewed with the same respect by the people as heretofore,—that the people had regularly combined against the payment of the church dues,—and that there existed no hope whatever of engaging their affections in future. Was not that a situation in which it was at least unfortunate for the country to be placed? It was to remedy such an unhappy state of things that his majesty's government had adopted the course which they were now pursuing. They conceived that the present measure was calculated to smooth away the asperities of party violence—to diminish the irritation, and in a great degree to remove the prejudices of the people; that they would be thus brought again to treat the ministers of the Protestant church with the respect and attention to which their character and virtues so eminently entitled them; and that it was only under such circumstances that the church could be employed as an important engine in the moral improvement of that people.

Mr. G. Bankes, on the other hand, ridiculed the chancellor of the Exchequer's scheme for giving permanent security to the church of Ireland by bestowing political

power on the church of Rome. The House did not, indeed, by this bill, surrender all the rights of the Protestant church at once; but they gave the Catholics the first stepping-stone for reaching every thing they might desire. It was admitted, that the adherents of the Catholic faith would struggle for ascendancy; it was admitted that this bill was to give them the political power, which would be the great instrument used in such a struggle. How a bill, which did all this, would tend to the security of the Protestant church, surpassed human comprehension. The very framers of the measure saw the absurdity, and the danger which it was employed to conceal; and they had endeavoured to obviate the danger by a precaution which proved its existence, but was impotent to prevent it. They had devised this remedy,—that, when the prime minister happened to be a Roman Catholic, all power connected with the established church should be vested in the hands of commissioners. But who was to appoint the commissioners? Why the prime minister. It was, to be sure, declared by this bill to be a high misdemeanour for a Catholic prime minister to give advice with reference to the disposal of church property, but there was nothing to prevent him from naming those who might give advice; so that, in fact, there was no effectual bar to prevent him from disposing of church patronage. The bill contained no security adequate to meet those fears and apprehensions which were entertained by many conscientious persons. A trifling security, indeed, was devised for the protection of the Irish church. The Irish Roman Catholic ecclesiastics had, in a very assuming, and

he might say, a very insulting manner, arrogated to themselves the titles belonging to the dignitaries of the Protestant Church in Ireland, and a clause to prevent that assumption was introduced in this bill. But the objection he had to that was, that he did not wish to purchase any security of that kind at the price of a violation of the constitution; and why?—because they had already got a security on this head, by law,—a security accompanied by infinitely higher penalties than were now given. He might be told that the act of 1781 or 1782 was not now in force; but he had looked at the statutes with great care, and he thought that the provision of the acts of 1781 and 1782 bore him out in his statement. It was there set forth—“Provided always, that no protection in this act contained shall extend, or shall be construed to extend, to any popish ecclesiastic who shall assume or take any title whatever, or who shall proceed with any insignia to any public place of worship whatever; but that all the enactments relative to such proceedings, which are at present in being, shall remain in force against such popish ecclesiastics as aforesaid.” Under this provision the popish ecclesiastics were liable to punishment. Then came the act of 1793, and the question was, whether by it the act which he had recited was repealed. It certainly was not repealed in express terms; and looking to the recital of the act of 1793, he could not conclude that it was repealed by implication. The 33rd of George 3rd, cap. 92, recited, “That whereas various acts of parliament have been passed, imposing on his majesty’s subjects professing the popish or Roman

Catholic religion, certain disabilities to which other subjects of this realm were not liable," &c. Now if any hon. member could show him that Protestants were not precluded from assuming, unless regularly elected, the title of "bishops,"—if it could be proved to him that a Protestant was not punishable for such an act, then he would admit that there was a repeal of the law. But here disabilities, to which other subjects of this realm were not liable, were clearly spoken of; and the assumption, without right, of an ecclesiastical title, was no more allowed to a Protestant than to a Roman Catholic; therefore he concluded that the statute of 1781-2 was not repealed. The enacting clause of the act of 1793 only went to put Protestants and Papists on a certain degree of equality, by allowing the latter to vote at elections; but it did not permit them to take the titles of bishops and deans. The present bill, therefore, only substituted a less powerful for a more efficacious security; and the price to be paid for this miserable change was, the sacrifice of the constitution.

Lord Tullamore, too, inveighed vehemently against the bill, and the desertion of all principle in the ministers who introduced it. They had themselves given the tone on the other side at public meetings; they had sat at the festive board, hearing with approbation the avowal of sentiments which they themselves had always avowed, but now found it convenient to disclaim, completing the picture which the poet had drawn;

Drunk at a borough, civil at a ball;
Friendly at Hackney, faithless at
Whitehall.

But no speech delivered in op-

position to the principles on which the bill was founded excited greater notice, than the maiden oration of Mr. Sadler, who had recently taken his seat for Newark. One of the members for that borough had vacated his seat; Mr. Serjeant Wilde, who had once been a whig, and now professed himself a friend of the Catholics, and an admirer of the duke of Wellington, had started as a candidate; but Mr. Sadler, supported by the interest of the duke of Newcastle, had carried the election; and he now seized and rivetted the attention of the House by a speech replete with argument and oratory. He rose, he said, to add his humble vote to that faithful band who had resigned the countenance of those whom they had hitherto respected so deeply, and to whom they had adhered so faithfully—who had surrendered, in the language of many, all pretensions to common sense or general information—who are branded as intolerants and bigots, from whom ministers had happily escaped—and, what was still more painful to generous minds, who were ranked among those that were as devoid of true liberality and benevolence, as of reason and intelligence. "All these things, however, move us not. In a cause like that of the Protestant constitution of England, now placed, for the first time since its existence, in a situation of imminent peril, an humble part in its triumph would indeed give me a share of that immeasurable joy which its rescue would diffuse throughout the nation; but to be numbered as one of those who, faithful to the end, made a last, though ineffectual struggle in its defence, will afford a melancholy satisfaction, which

I would not exchange for all the pride, and power, and honours, which may await a contrary course."

And first of all, as to the state of Ireland, in which alone any justification of this measure was sought, Mr. Sadler denied that the reason for the proposed remedy was substantial, or that the proposed change itself was a remedy. If it meant any thing, it meant that the Protestant ascendancy in Ireland was the source of the disasters which existed in Ireland—and that was not true. The very evils now to be remedied, the turbulence and misery now prevalent, had existed in a far greater degree, and had produced far more lamentable consequences before the Reformation than at present, that is, when there was only one religion in the country, and that one was popery. The fact was too notorious to admit of contradiction. If it was said that the causes, however, of the turbulence and misery were now changed, and were to be found where they had not previously existed, in religious ascendancy, that, too, he denied. The causes were what they had ever been. They lay not in Protestant ascendancy, but in the fact that, while it was the misfortune of Ireland to have been a conquered country, it was the crime of England to have continued treating her as such. Her lands had been given away, from time to time, to strangers, on condition that they should reside in the country, and support the Protestant religion, but who had deserted both, thinking, as absentees, to atone for their turpitude by a few cheap votes in favour of Emancipation. The evils of Ireland had no connection with her

Protestant constitution: they had been as rife under her Catholic government. Not long ago, the manufacturing classes in this country wanted bread and employment: they were told by demagogues that both would be found in parliamentary reform, and for parliamentary reform they clamoured. In Ireland there was equal distress: and agitators told the people that what they wanted was emancipation. The only difference was, that, in the one case, government had put the agitators down: in the other, it had connived at, if not secretly supported them. In the emancipation proffered there was nothing proposed in favour of the mass of the Irish community. On the contrary, a proposition was unblushingly made, to rob the cottage of its long exercised privilege, to add new splendour to the Catholic coronet; and this forsooth was to calm the country at present, and insure its future tranquillity. If it did, then would it do irreparable mischief. That country never ought to be calm and contented, till the blessings of civilization, and the rights of humanity, were extended and secured to the lowest ranks of its society. To the eternally repeated question,—if we do not emancipate, what are we to do with Ireland,—he would answer, develope, with the lights of wisdom and experience, her immense internal resources, hitherto unexplored, almost untouched—introduce, in behalf of her suffering population, a moderate system of poor-laws,—diffuse, in spite of priestly domination, the benefits of christian education—employ the starving people, whose labours you lose, and whose characters you destroy, by consigning them to involuntary mendicancy, and finally,

while you legislate about and against the poor, refuse not to touch the heartless rich, the deserters and enemies of their country ; and, if they are dead to other and worthier motives, compel them, by pecuniary mulcts, to repay, and that not in words, some of their duties to the society to which they owe their all. These were the means, though ridiculed by theoretic folly, and rejected by inveterate selfishness, which would regenerate Ireland, and repay the wrongs of many generations.

“ Ireland, degraded, deserted, oppressed, pillaged, is turbulent, and you listen to the selfish recommendations of her agitators. You seek not to know, or knowing you wilfully neglect, her real distresses. If you can calm the agitated surface of society, you heed not that fathomless depth of misery, sorrow, and distress, whose troubled waves may still heave unseen and disregarded ; and this, forsooth, is patriotism. Ireland asks of you bread, and you proffer her Catholic emancipation : and this, I presume, is construed to be the taking into our consideration, as his Majesty recommended, the whole situation of Ireland.”

In regard to the nature of the proposed measure, Mr. Sadler maintained that it could be truly described only as an inroad on the constitution of the country, and a preparatory movement towards its final destruction. The constitution demanded qualifications in, or, if the phrase was better liked, it imposed disabilities of a twofold nature on, persons called to exercise the legislative or judicial functions. It demanded, first of all, a pecuniary qualification, that the authorities of the country might be identified with its permanent interests, and

still more because the possession of property was deemed the most general, though not infallible, evidence of that information and knowledge which were essential to the due discharge of important public functions. With far greater certainty and scrupulosity did the constitution demand a moral qualification from all who were to make or administer, in the higher functions of the state, the laws of the realm. It had not only made Christianity part and parcel of the law of the land, but it had constituted its pure and reformed profession an essential ingredient in the established government ; and so long as it was true, that principles were the springs of practice, that Christianity was better than Infidelity, and its purity better than its corruptions—the constitution had done so most wisely. If the profession of Christianity in its purest form was the best guarantee of the faithful discharge of the private and social duties, it was much more so of those high and important functions, on which the character and happiness of millions depended ; and it was thus that our ancestors judged and acted in establishing the constitution. Popery they identified, as they had abundant reason to do, with cruelty, tyranny, and arbitrary power ; they believed it to be injurious to the morals and interest of the community ; they knew its tendency to weaken, if not withdraw, the allegiance due to the sovereign power of a Protestant empire : and they sought, therefore, to secure to themselves the protection of Protestant principles, the best and most efficient form of Christianity upon earth. This moral qualification was now called a disqualification, and was to be sacrificed. Po-

litical radicals clamoured for the abolition of the pecuniary qualification; religious radicals wished to remove the moral one. The Romish faith, they said, had changed its character, and become a fitting companion for a Protestant king and parliament. Had not the same amelioration been asserted far more truly of the unrepresented portion of the community: yet their agitators were never listened to; no; dispersion, apprehension, trial, punishment, were their instant rewards. But when popish agitators cultivated practices a thousand times more seditious, they were tolerated; nay, as very many thought, they were secretly connived at, that a case might be made out for putting down the constitution.

And such, accordingly, was the case, on which this violation of the constitution was defended. Matters had reached such a point of noisy and dangerous discord between the parties, that there must be an adjustment, forsooth, of the question. Adjustment generally terminated in mutual concessions, and reciprocal advantages; but would the authors of this bill point out what it gave to the Protestant constitution in return for that which it took away. The Protestant faith surrendered every thing: it received nothing. As a security, the office of viceroy, an office of pageantry, was to continue Protestant: but what Protestant cared an iota about it, when its holder was to be surrounded with Popish advisers, and to act by Popish instruments? The king, too, it seems must still continue to be a Protestant. This reservation was the worst of all, and heightened every objection to the measure into abhorrence and disgust. "What! after establishing by a solemn act

the doctrine that conscience ought to be free and unrestrained—that disabilities, like that sought to be removed, inflict a wound upon the feelings of those whom they reach, intolerable to good and generous minds, worse than persecution, than even death itself,—how do you apply it? Why, you propose to sear this brand high upon the forehead, and deep into the heart, of your very prince, while you render the scar more visible, and the insult more poignant, by making him the solitary individual, whose hereditary rank must be held and transmitted by the disgraceful tenure which you have stigmatized as the badge of slavery. Freedom of conscience to all subjects, but none to your king! Throw open the portals of legislation, that a duke of Norfolk may take his seat in your senate, but hurl from his loftier seat there, the throne of the realm, a duke of Lancaster, if he exercise the same privilege, and presume to have a conscience! Hitherto the British constitution has been fair, uniform, equal, demanding from all the same moral qualification. That qualification has long been declared, by a certain school of politicians, to be slavery. Ministers have now adopted their creed; and yet they are content, nay they propose, that the king shall be the only proclaimed slave in his dominions."

But worse remained behind. The proposed measure did more than hurt the feelings, and stain the honour of the king: it touched his title. It was a bill to reverse the attainder which had been passed upon popery; and the natural consequences of such a reversal were obvious. While the constitution remained strictly Protestant, excluding from power the devoted

adherents of a cruel, tyrannous, and superstitious church, nothing could be more clear, consistent, and indisputable than the royal title; but if that exclusion were removed, nothing was less so. The privileges of Protestantism were the title-deeds of the royal family to the throne—the actual transfer of the estate which the king held in Parliament and in the country. It was Protestant ascendancy, now become a term of reproach, and Protestant ascendancy alone, that introduced the royal line that rules us; it was that which still formed the foundation of the throne, which combined its title with the very elements of the constitution, identified it with our liberty, consecrated it with the sanctities of our religion, and proclaimed our monarch king by the unanimous suffrages of all our institutions. The Act of Settlement indeed was to remain; and, though it had been passed with difficulty by a parliament exclusively Protestant, it would of course be zealously maintained by a parliament partly Catholic; but still this was to remove the royal title from the broad foundation of national principle, supported by all the analogies of the constitution, and place it upon a mere act of parliament, or rather upon an exception from that act. Whatever became of the legal title, the moral title of the king was touched. And what would be the true value even of his legal title, after the House had declared, that the solitary principle, on which it had first been bestowed, and could be maintained, was tyrannical, unjust, an obsolete piece of disgusting bigotry, which ought never to have brought him there, although, now that he was there, we would condescend to retain him.

The intended change of the con-

stitution was therefore objectionable in itself, and doubly so on account of its unavoidable consequences. The real liberties of the people would be put in jeopardy; and that the united Church of England and Ireland would be placed in peril the moment the bill was passed, was certain. The real object of attack, as had been often asserted in that House, was the Establishment, or rather its privileges and immunities. The war had commenced; the siege had begun; the first parallel was nearly completed; the very leaders of the garrison were summoning a bold and numerous band of fresh assailants to the attack; and the approaches would be carried on, till a final triumph was obtained over the most tolerant, the most learned, and the most efficient religious establishment which any country had ever yet been blessed with.—And, could any man flatter himself that even when this was destroyed, a long and uninterrupted reign of quietness and peace would ensue? When this victim had been hunted down, the same pack would scent fresh game, and the cry against our remaining institutions would be renewed with redoubled vigour, till nothing remained worth either attack or defence. An oath, indeed, was to be taken, verbally forbidding Roman Catholics from harming the establishment; but they must be more or less than men, to be enabled to keep such an oath. Totally inefficient as a security, it was immoral to present it to them; it established a war between words and principles, oaths and conscience; and which of these would finally prevail, needed no explanation. When a number of Roman Catholics were seated in that House, that they should not feel

disposed to lessen the influence, and finally to destroy a church which they conscientiously abhorred, was absurd: that they should not make common cause for a similar purpose with other parties, inspired by similar views and feelings, was impossible. Much, indeed, had been said about the weakness of such a party in point of numbers; but a party acting invariably in unison on this point would ultimately carry it, and, with it, all others of vital importance. They would form the nucleus of a growing party, to whom the measures of the Crown must always be rendered palatable, and who, consequently, would so far dictate the future policy of the country.

Mr. Sadler then adverted to the reasons which had been assigned, or rather the apologies which had been made for these "portentous changes." And first, as to the times, the present was, of all the times at which this measure had been proposed, undeniably the worst, because the latest. On many former occasions, when the present ministers opposed it, concession would have been accepted as a boon; it would now be sullenly taken as the recovery of a just but long-disputed debt, insultingly withheld, and at last reluctantly paid. If it was a measure right in itself, and safe in its consequences, it ought to have been granted from the first, and ministers were deeply responsible for not conceding sooner, if they meant to surrender at all. Now no doubt it was demanded chiefly as being the certain means of extorting fresh concessions, all of which might already be named, and none of which would be long withheld, notwithstanding the new pledges of those who had so nobly redeemed their old ones. But we

were now told there had been previously a divided cabinet on this particular measure, and that it could not, therefore, be carried.— Never was so superficial an excuse put forth. Who were they that caused the division in the preceding cabinet, but those who now complain of it, and who would now suffer none to serve their king or country, but such as approved their altered plans, and changed at the word of command? And was it for ministers to talk about the government being previously divided upon this question as the only obstacle to its adjustment—those who, less than two short years ago, were so strictly and conscientiously devoted to the cause which they had now sacrificed, as to refuse to serve with a premier favourable to emancipation, and who, rather than do so, deserted the king in a body, painful as it no doubt was to them. All the long and laboured explanations, by which this fact was attempted to be concealed or evaded, were not worth a straw. Nothing could ever set this matter in an honest light before the people of England. They had been beguiled, however, by these explanations. "I was one of them," said Mr. Sadler, "who thought the conduct of the noble and right honorable individuals, who resigned in 1827, a sacrifice to principle and consistency; what it really was it is now not worth while to inquire, since it was any thing rather than that. It is now too late to rectify the error; all that remains is to regret most deeply, that, faithfully following those who have so secretly, suddenly, and unceremoniously deserted us, we were taught to regard a highly-gifted individual, unhappily now

no more, as one who ought not to serve his king and country as the head of the government, because he was favourable to the measure now so indecently forced upon the country. I do heartily repent of my share in the too successful attempt of hunting down so noble a victim—a man whom England and the world recognize as its ornament; whose eloquence was, in these days at least, unrivalled—the energies of whose capacious mind, stored with knowledge and elevated by genius, were devoted to the service of his country. This was the man with whom the present ministers could not act, and for a reason which vitiates their present doings. Coupling, therefore, that transaction with the present, if the annals of our country furnish so disgraceful a page, I have very imperfectly consulted them. But peace to his memory! My humble tribute is paid when it can be no longer heard nor regarded—when it is drowned by the voice of interested adulation now poured only into the ears of the living. He fell, but his character is rescued—it rises and triumphs over that of his surviving——— what shall I call them? Let their own consciences supply the hiatus.” There no doubt was such a thing as a conscientious conviction, and it was a thing to be honoured. But there was a much more common thing—apostacy—and what else could the people of England denominate these simultaneous conversions, betokening, not change, but want, of principle—whole ranks of public men facing round at the word of command? In these disgusting exhibitions the people of England saw the true

reason for that studied concealment, not to say intentional misleading, which had attended the whole concoction of the measure, and which roused their resentment as well as excited their disgust.

No wonder that such men were unwilling to meet the country on such ground; but it was their bounden duty to have gone to the people; for this invasion of the constitution, bad in itself and ruinous in its consequences, was beyond the power of parliament. That House had no right to proceed in this work of counter-revolution, without consulting the people. On preceding elections the question, by common consent, had been kept from their particular consideration; to have mentioned it would have been stigmatized as the “No Popery cry;” and, moreover, they confided, in this particular instance, in the express declarations of his Majesty’s government, and determined their choice by other grounds of political or local preference. The Protestant constitution, now endangered, had been first established in a convention called for that special purpose; and without as full an appeal, and with equal formality, the people ought not to be robbed of it. Parliament was commonly said to be omnipotent, but that was nevertheless a fiction. It was neither called, nor competent, to alter the original frame work of the constitution. If that House in conjunction with the other branches of the legislature, were to enact that the seats should be perpetual, and not only for life, but hereditary—or if they were to agree to abolish the representative system altogether, or take away trial by jury; who would dare to assert that the power of parliament ex-

tended thus far? But as to the Protestantism of the constitution, it was certain that their powers to change it in any degree were still more clearly and intentionally limited. The members of that House made a solemn declaration to that effect at taking their seats; and his own had been taken too lately to be forgotten, however it might be by others. Under these circumstances, neither the established constitution of the country, nor their oaths and declarations, permitted them to assume the right now so eagerly sought to be exercised, namely, the right of throwing open the doors of that House to the admission of popery, to the scandal, disgrace, and danger of the Protestant establishment in church and state. They had no lawful power to do this; the people of England had not sent them thither for any such purpose, but had interdicted them by solemn oaths and declarations from daring to attempt such a course. The voice of that people was heard in their numerous and correct petitions, which cleansed their consciences from the stain of participating in so foul a transaction. "Be assured they will resent it deeply and permanently, if we proceed. I know how dear this sacred, this deserted cause is to the hearts and to the understandings of Englishmen. The principle may be indeed weak in this House, but abroad it marches in more than all its wonted might, attended, in spite of the aspersions of all its enemies, by the intelligence, the religion, the loyalty of the country; and if the honest zeal, nay, even the cherished prejudices of the people, swell its train, thank God for the accession. Here, Sir, that cause, like

those wasting tapers, may be melting away; there it burns unextinguishably. It lives abroad, though this House, which was its cradle, may be now preparing its grave! To their representatives the people committed their dearest birthright, the Protestant constitution, and have not deserted it, whoever has. If it must perish, I call God to witness that the people are guiltless! Let it, then, expire in this spot—the place of its birth, the scene of its long triumphs—betrayed, deserted in the House of its pretended friends, who, while they smile, are preparing to smite—let it here, while it receives blow after blow from those who have hitherto been its associates and supporters, fold it itself up in its mantle, and, hiding its sorrow and disgrace, fall when it feels the last vital stab at its heart from the hand of one whom it had armed in its defence, and advanced to its highest honour."

Mr. R. Grant, on the other hand, maintained, that it was in vain to speak of applying to the evils of Ireland such cures as it was supposed might be found in the establishment of poor-laws, and the compulsory residence of the absentees. Even assuming these measures to be expedient and desirable in themselves, this was not the time for them. The question at present was, how the existing discontent might be allayed, how the raging pestilence might be stopped. It was only after that had been done, that preventives could rationally be suggested; and it was only by removing the grievances of which Ireland complained, that that object could be effected. For, although the evils of Ireland had been traced to many

causes, these causes themselves, even where they existed, were but the effects of the political distinctions founded on the difference of religious creeds. The House had been told, for instance, to seek for the source of these evils in the local oppressions practised in Ireland, not in the general restrictive laws. Of local oppression there, no doubt, had always been enough; but it had existed, and did exist, merely because the adherents of one creed were armed with power to oppress the believers in another faith, who were vested with no power. The same mischiefs, too, it was said had existed even before the Reformation, when all Ireland was of one religion. True; and they had existed just because, even before the Reformation, the same system of excluding the natives from political power had been long followed, though on different grounds. What sir John Davis, who wrote in the days of Elizabeth, stated to be the cause of the evils of Ireland in his time, was in force still. "From the earliest times," said that writer, "of the English government of Ireland, it seemed to be the rule of policy that the native Irish should somehow or other be not admitted to the privileges of the constitution equally with the English residents. And in order to perpetuate the ascendancy of the latter, the governors of Ireland had determined to oppress the former as much as possible. Accordingly, it has been the system of rule in that country, for the last 400 years, to attempt by all manner of means to root out the native Irish altogether." That system has been acted on since the time of sir John Davis in some form or

other, and with consequences which would last so long as the laws against the Catholics remained unrepealed. This inequality of political power, then, was the cause; by removing it, you would put an end to the turbulence and exasperation to which it gave birth, and you would do so without either injuring, or producing the danger of injury to the constitution. That constitution did not recognize any principle of exclusion against any portion of the community. Its essence was the communication of its protection and privileges to all. The constitution, it had been said, required a religious qualification; it would intrust its powers only to Christians. But the fact was, that the oath required from members of that House did not, could not determine, whether or not the individual, who took it, was a Christian: it only ascertained that he was *not* a Catholic. That oath admitted all possible modes of infidelity to the rights of the constitution; it was efficient to exclude only one great modification of Christianity. To speak of danger to the Protestant establishment from the removal of that exclusion, was to invert the natural order of causes. The necessary effect of the present measure would be to remove all ground for entertaining any apprehension of the integrity of our Protestant institutions in church and state, in Ireland no less than this country. Did hon. members recollect the safeguard of the peace of Ireland, which the government had had in the Catholic Association? Did they think that an end should be put to the ignoble safety which that body had so long afforded?

If danger were to be apprehended from giving the Catholics political power, that danger had for some time existed; for they had political power already. If the will to do injury to the Protestant establishments existed, the power to exercise that will also existed; and all that the measure could effect in that point would be to check and direct that power. As it would tend to diminish instead of increasing the political power of the Catholics to do injury to the Protestant establishments, the House, in supporting it, would act in accordance with the prayer of the Protestant petitions, "to diminish and not increase the political power of the Catholics." The *malus animus* towards the establishment apprehended from the Catholics by many zealous friends of the Protestant church in Ireland, would be destroyed by that measure. But supposing it would not, would not that *malus animus* be more difficult to contend with, under existing circumstances, than if concession had been granted? Therefore, even with a view to contend more successfully with that hostile spirit, was it not the better course to remove the pretext for it by admitting the Catholics to the benefit of the constitution?

Lord Palmerston admitted that, if the question were, whether we should have no Catholics at all—whether the religion throughout the empire should be exclusively Protestant,—then let Ireland by all means be made Protestant; but this was not in human power. Catholics there were, and Catholics there must be. There they were, good or bad,—and whether their tenets were wholesome or unwholesome, the persons holding

them were 6,000,000 in number, and they were seated in the very heart of the empire. What, then, were we to do with them, since we were not able to exterminate them? Were we to make them our enemies,—fiercer and more inveterate in proportion as we persecuted them,—or were we, by kindness and conciliation, to convert them into friends? The latter was clearly the more expedient and desirable in itself, unless it were accompanied by some imminent danger. But their friendship would be perfidious; Catholics could not safely be trusted with powers which they might wield to the injury of the Protestant empire which bestowed them. His answer was, that they were already trusted in situations of far greater moment than those in which it was now proposed to place them. If they were inclined to be traitors, what situations were most favourable for the execution of their designs? Surely, naval and military commands. And how was it that Catholics were allowed these posts? Not by laws enacted in the reign of Charles II.—not by laws originating in the Revolution of 1688, but by a recent enactment, which was sanctioned, or which at least was unopposed, by those very persons who cast these charges in the teeth of the Catholics. Could they allow Catholics to stand sentinels in their camp, and yet fear to trust them in the very centre of the country, surrounded by their guards? Catholics might command their armies in the day of battle,—in that perilous and trying hour, when the safety of England might hang upon the workings, the hidden and secret workings of the mind of one man,—when the commission of one act, or the

treacherous omission of one act, might ruin all,—they were contented that that one man should be a Catholic; they were willing to trust to the honour, to the integrity and to the faith of a Catholic. But when the question was, whether a Catholic should be allowed a seat in that House, where little depended on what was said or done by a few,—where every thing a man said or did was made as public as the art of man could make it, and borne with the dawn of day on the wings of the winds to the extremities of the empire,—there, in such a place, and under such circumstances, people were filled with alarm at his approach; they began to find out that his allegiance was divided, and they saw the ruin of the country completed by permitting a Catholic to vote in a committee of supply. In truth, to refuse emancipation because political power, in the hands of the Catholics, would be dangerous, meant this, that it would be dangerous to regulate for our own benefit, power which they already possessed. What was it that conferred political power? Numbers, wealth, and intelligence. Whether in the republics of the west, or in the despotisms of the east, the persons possessed of these were they who swayed the deliberations of the people, and who controlled the will of the monarch. Look, then, to the Catholics. They were numerous enough—wealth they possessed to our hearts' content—for intelligence, we were day by day forcing that upon them with all the zeal and activity in our power; and thus, while they were every day becoming more numerous, more wealthy, and more enlightened, we were descanting upon the dangers which must accrue to the

state, if the Catholics should ever acquire political power. If they should ever acquire political power? Why, if those who swayed the wills of five or six millions of discontented men,—who restrained in a leash the angry and troubled passions of such a multitude,—who held in the folds of their garment the dread alternatives of peace or war,—if such persons were not possessed of political power, then there was no meaning in words—no danger in names. A power of this description could be exercised for no good end; it might destroy, but it could not save a state. He called upon the House to turn these materials of discord into strength, and to imitate the skilful and benevolent physician, who from deadly herbs extracted healing balms, and made that the means of health, which others, less able or less good, used for the purposes of destruction.

Sir Charles Wetherell, the Attorney general, had, it was well known, differed from ministers as to the policy they were now pursuing. He had even refused to draw the bill; and still he remained Attorney general, under a minister who was understood to have made unthinking submission to his word of command on this question the tenure by which alone those,* dependent on the government, would be allowed to retain their offices. The only explanation that offered itself was, that, in the event of the Attorney general's office becoming vacant, ministers, in looking out for a successor could

* Lord Lowther, sir John Beckett, and other members dependent on lord Londale, voted against the bill; but their opposition was without voice or heart: and they had too much borough influence, to be punished for such conduct.

not decorously have passed over sir N. Tindal, the Solicitor general. But, Tindal's elevation would have occasioned a vacancy in the representation of the University of Cambridge; and ministers still smarted too keenly under the recent defeat of Mr. Peel at Oxford, to wish to provoke a new combat with the church of England. Sir Charles Wetherell, therefore, continued to be Attorney-general, though he resisted emancipation; and probably would have continued so, if he had condescended to be less daring and spirited in his resistance than his sense of duty required him to be. But he now delivered, with an ardour and vehemence of manner seldom equalled, a speech of defiance to his changeling superiors in office, which produced a very vivid impression in the House, and throughout the country, by its honesty and intrepidity. He did not know, he said, in the singular situation in which he stood, whether he ought to address the House as Attorney-general, or simply as the member for Plympton. When he thought that he could remain in office with honour, he had not quitted; but when he thought he could not accept office with honour, he had not taken it. Differing in opinion from gentlemen on the opposite side of the House, he was now called upon, as the Attorney-general of a Protestant king, to deliver his sentiments on the question under the consideration of the House; and he must throw himself on the good feeling and indulgence of the House, in endeavouring to perform the duty which he owed to himself personally, to the British parliament, to the people, and to that sovereign to whom he was nominally, but not practi-

cally, the servant. It had been said, that he had been the obstacle which prevented the University of Cambridge from having another member. He had been the tool of no government in the acquisition of office, and he would be no tool in the retention of office. If those who supported the question of Catholic emancipation thought that, by going to Cambridge, they would gain an acquisition to their cause, they might have an opportunity of doing so. If the Protestant party thought that he was an obstacle to the expression of the public opinion in favour of their cause, he could tell them that he had never, for the last three weeks, occasioned any obstruction to the expression of the public voice. He had declined to draw the bill now on the table of the House, because, looking to the oath which he had taken as Attorney-general, he thought he should, by drawing that bill, be abjuring his duty, and be drawing the death-warrant of the Protestant church. That conclusion he came to after much anxious reflection on the question, and he believed that, if he drew what he conceived to be the death-warrant of the church of England, he should be betraying his duty as Attorney-general, as much as Noy betrayed his duty, when he drew out the order for the raising of ship-money, or lord chancellor Jeffries when he drew out the warrant of commitment of the Protestant bishops to the Tower.

The learned gentleman then entered into a detailed legal argument, supported by statutes and historical documents, from which he arrived at the conclusion, that the exclusion of Catholics was a principle, before the Revolution, at the Revolution, and after the Revolution, in-

sisted on as part of the constitutional settlement. Now, he proceeded, when he, the Attorney-general of the king, was called on to frame an act of parliament, it was not unnatural that he should look, as a lawyer, to a higher authority than himself, namely the lord Chancellor. How could the Attorney-general prepare a bill, which the lord Chancellor had declared would subvert the Protestant church of England? and he thought he was placing himself under a strong shield, when he took his position behind the buckler of lord chancellor Lyndhurst. "When my attention was drawn to the framing of this bill, I felt it my duty to look over the oath taken by the lord Chancellor, as well as that taken by the Attorney-general; and it was my judgment, right or wrong, that, when desired to frame this bill, I was called to draw a bill subversive of the Protestant church, which his Majesty was bound by his coronation oath to support. If his Majesty chose to dispense with the obligations of the coronation oath, he might do so, but I would do no act to put him in jeopardy. These are the grounds on which I refused, and would refuse a hundred times over, to put one line to paper of what constitutes the atrocious bill now before the House. Hundreds of those who now listen to me must remember the able, valuable, and impressive speech delivered two years ago by the present lord Chancellor, then Master of the Rolls, and a member of this House. It will also be in the recollection of hundreds that that eminent individual, than whom none is more acute in reasoning, more classi-

cal in language, and more powerful in delivery, then Master of the Rolls, but now lord Chancellor, quarrelled with the late Mr. Canning on this very subject. Am I then to blame for refusing to do that, in the subordinate office of Attorney-general, which a more eminent adviser of the Crown, only two years ago, declared, he would not consent to do? Am I, then, to be twitted, taunted, and attacked? I dare them to attack me. I have no speech to eat up. I have no apostacy disgracefully to explain. I have no paltry subterfuge to resort to. I have not to say that a thing is black one day, and white another. I have not been in one year a Protestant Master of the Rolls, and in the next a Catholic lord Chancellor. I would rather remain as I am, the humble member for Plympton, than be guilty of such apostacy — such contradiction — such unexplainable conversion — such miserable, contemptible, apostacy."

The Attorney-general then entered into an examination of the bill itself, which, he said, he was doubtful whether members understood. It contained an oath to be taken, instead of the present oaths of abjuration and supremacy which had excluded the Catholics. But there was no provision in the bill which confined this oath to Catholics. It was an oath which any man might take, whether Catholic or not. A person, who was not a Catholic, might, by taking it, enjoy the privileges of a Catholic. The oath ought to have stated, "I am a Catholic, and swear so and so." But the bill did not require any such declaration. He supposed that this was an imita-

tion of James the Second's scheme of liberty of conscience. Peel and Co. were supported upon the principles of James II. For the effect of the oath was, that any man might gain admission to office, or to the House of Commons; whereas he understood the object of the alteration to be, that only those, who swore they were Catholics, were to be permitted to take the oath. Another clause supposed that a man, who was a Catholic, might be prime minister; it gave a general capacity to office. All offices, said the bill, are open to Catholics, with one or two exceptions; ecclesiastical appointments, however, were to be separated from the patronage, and vested in commissions. Now, Catholics had never manifested an unambitious temper, and a Catholic prime minister would never be satisfied with this retrenchment of his privileges. And who was to appoint the commissioners? Why, a Protestant lord Chancellor, lord Lyndhurst. The lord Chancellor would have the appointment to ecclesiastical places; but was this sufficient security? Lord Shaftesbury was a Protestant chancellor, and so was lord Jeffries. Was the conduct of Jeffries to the bishops forgotten?—a man who, though a Protestant, was as great an enemy to Protestants, and as adverse to admitting them to power, as Father Peter himself. The protection of the Great Seal was as little to be relied on as in the reign of Charles II., when lord Shaftesbury was chancellor, or in that of James II., when Jeffries filled that office. There might come a time, when no security would be found in the character of a lord Chancellor. And who would these commissioners select? Would

they select Protestants who would, or those who would not, apostatize. According to the bill, any Catholic, who took ecclesiastical preferment, was guilty of a misdemeanour, and could hold his office no longer; and again, any Catholic, who advised his Majesty respecting the appointment to an ecclesiastical office, was subject to the same penalty. Might he be permitted to ask who drew that clause? The very clause, which created the offence, contained an absolute prevention of a conviction for that offence. The church of Ireland was protected by a flimsy sort of security in the bill. None of the dignitaries of the Romish church were to be permitted, *eo nomine*, to hold English titles, as nominees of the pope; but these titles might be held by virtue of a money medium; a 50*l.* bank note would enable Dr. Doyle, or Dr. Curtis, or any other, to sport Catholic titles. The bill forbade this, except upon the payment of 50*l.*, which was all the penalty inflicted. There was no penalty in the act higher than 200*l.*, so that, in fact, the whole protection of the British constitution consisted in penalties of 50*l.*, 100*l.* and 200*l.* No control over the see of Rome; none over the nomination of bishops; nothing after the passing of this bill in the way of security for the Protestant establishment—but those penalties of 50*l.*, 100*l.*, and 200*l.* This was the declared value of the Protestant constitution of the empire in current coin. When this bill was dissected and anatomized, it destroyed itself. It admitted the danger, and yet provided no security for Protestants. He would not have condescended to stultify himself by the composition of such a bill. He

refused to draw it up. The folly and the contradictions be upon the heads of those who drew it. They might have turned him out of office; but he would not be made such a dirty tool as to draw that bill. Let who would, he would not defile pen, or waste paper, by such an act of folly, and forfeit his character for common sense and honesty. He had, therefore, declined to have any thing to do with it.

The vituperation of the Attorney-general called up Mr. Secretary Peel to close the debate, by complaining that the learned gentleman's speech had partaken much more of personal hostility than of attachment to the Protestant constitution. The time had not yet arrived, when it could be revealed how many difficulties the noble duke at the head of government had had to encounter. As for himself, he had at first been willing to resign office rather than present any obstacle to the settlement of the question; and he determined to cast in his fortunes with those of his noble friend, only when the difficulties of the question seemed to increase, and when the highest authorities in the church had declared they could not give their support to the proposed measure. The Attorney-general had stated that no person out of the cabinet knew the intentions of ministers, till only seven days before the meeting of parliament. It was true that he, Mr. Peel, had then informed the Attorney-general of the whole contemplated plan of ministers. The latter had then stated no objection, and had voted for one part of the plan, that for suppressing the Association, although he knew that emancipation was intended by government to be the accompani-

ment and condition of that restrictive act.

Mr. Peel then reverted to the grounds on which he had first proposed the bill; urging again the state of Ireland, and the absolute necessity of doing something—the inability of his opponents to suggest any thing better, though they vehemently opposed the measure that was proffered to them—the impossibility of any government standing which should set itself, on avowed principle, against all concession—and the folly of treating the question as one which had any connection with religion. The Catholics were never excluded, at any time, because of their religious creed; they were excluded for a supposed deficiency of civil worth; and the religious test was applied to them, not to detect the worship of saints, or any other tenet of their religion, but as a test to discover whether they were Roman Catholics. It was a test to discover the bad, intriguing subject, not the religionist; and therefore, when he parted with the declaration against transubstantiation, it was not from any doubt which he entertained as to the doctrines of the Roman Catholics, but from looking at it as a test of exclusion, and from thinking that, when the exclusion was deemed unnecessary, the test of exclusion might be dispensed with. Mr. Peel complained grievously, too, that an unfair application had been made of his unhappy phrase, that the proposed measure was a “breaking in upon the constitution of 1688”—by which, he said, he had meant no more than this, that there would be an alteration in the *words* of the Bill of Rights;—and, if an alteration of its words were a breaking in upon the constitution,

then had the constitution been often broken in upon. "Finally," said Mr. Peel, "let those, who differ from me in opinion, consider the altered position of affairs in Ireland, since the annunciation of these measures of grace and favour has been made. To be defeated now, to throw the question back upon us, when a greater calm has been produced in Ireland than I ever knew to exist there—when there is no spirit of vulgar triumph displayed on the part of the Roman Catholics, and, in justice to the Protestants I must say it, when their disappointment has been marked by the most patient submission, to lose the advantage which we have now gained, and to reject the conciliation which is within our grasp, would be attended with consequences so fatal to the repose of the empire, that I cannot, even in fancy, bear to contemplate them. I am well aware that the fate of this measure cannot now be altered; if it succeed, the credit will redound to others; if it fail, the responsibility will devolve upon me, and upon those with whom I have acted. These chances, with the loss of private friendship, and the alienation of public confidence, I must have foreseen and calculated, before I ventured to recommend these measures. I assure the House, that, in conducting them, I have met with the severest blow which it has ever been my lot to experience in my life; but I am convinced that the time will come, though I may not live perhaps to see it, when full justice will be done by men of all parties to the motives on which I have acted—when this question will be fully settled, and when others will see that I had no other alternative than to act as I have

acted. They will then admit that the course which I have followed, and which I am still prepared to follow, whatever imputation it may expose me to, is the only course which is necessary for the diminution of the undue, illegitimate and dangerous power of the Roman Catholics, and for the maintenance and security of the Protestant religion."

The result of the division was, 353 for the second reading of the bill, and 180 against it. The whole number of voters was greater by 18 than the number who had voted on the first reading, and of these thirteen had been gained by the minority.

The success of the bill in the House of Commons was thus secured. On the 23rd, 24th, and 27th of March it was in committee. During its progress through the committee, many amendments were moved by the opponents of the bill, but they all shared the same fate, being each of them rejected by the same overwhelming majorities, which had carried the principle of the measure, and, in truth, most of them were too opposite to the principle on which the bill, professedly, had been framed, to obtain friends among its supporters. The very first was an amendment moved by Mr. Banks, to the effect of excluding Catholics from either House of parliament. The objection to it was, that to grant every thing else, and refuse this, would altogether disappoint the object in view, and only give the Roman Catholic body additional energy and inclination to break down the barriers which stood between them and the legislature. Amendments moved upon the oath, to introduce clauses, by which Catholics should swear, that

they would defend and maintain the property of the church as established by law, and would not, directly or indirectly, attempt to subvert the present church establishment, were likewise unsuccessful.

On the clause being moved, which conferred on Catholics the right of voting in the election of the representative peers of Scotland, Mr. R. Dundas called the attention of the House, to the effect which the bill would have upon the articles of the Scottish Union. At the time of that Union, Scotland was as independent as England; but if this bill passed into a law, the interests of the one country would in some degree be rendered subservient to those of the other—we should violate the principles of the Union—take away the securities of the church, which that act established, and open the gates of the constitution to many future dangers. If he could prove that this bill infringed the Act of Union with Scotland, he thought no one could consider him as acting unreasonably in taking the sense of the committee upon the subject. He then cited the act agreed to both by the parliaments of England and Scotland, and appended to the twenty-five articles of Union, and, after proving that it formed an essential part of the union between the two countries, added, that it was provided by it, for the security of the Episcopal and Presbyterian religions, that the sixteen peers and forty-five commoners, who were to represent Scotland in the parliament of the United Kingdom, should be Protestant. By this statute, Papists were effectually excluded from sitting in parliament for Scotland. It followed, if Roman Catholics

were now rendered admissible as members and peers of parliament from Scotland, as was proposed to be done by these two clauses of the bill, that the Act of Union with Scotland would be thereby repealed. He could not consent to the articles of Union between the two countries being violated in this manner. It might be said that the present was a measure alike necessary and expedient; but as long as he had a seat in that House, he could not submit to such an infringement of the Act of Union with Scotland.

The Lord Advocate of Scotland, in answer, admitted, that by the act in question, which undoubtedly formed part of the treaty of Union, it was provided that no person should represent Scotland in the united parliament, unless he subscribed a certain formula, which it was now proposed to repeal; but the question amounted to this,—were the articles of the Scottish Union unalterable? While he admitted that the clauses did affect that Union, the consideration was, might not the objection be got rid of? One article, and one only of that Union, had been declared unalterable. It followed, that, with respect to the others, on a fair showing of necessity, alterations might be made. The legitimate use of such articles was to defend a weaker country from the attacks of a more powerful one; and if it were meant to injure Scotland by infringing these articles, he would never consent to their infraction. By the articles of Union, there was reserved a power to the parliament of Great Britain to alter those very articles themselves, which were contended to be unalterable; and as a consequence of that power, the House would perceive that, within forty

years all the heritable jurisdictions of Scotland were swept away by an act of parliament. The very year after the Union the power of the council, which was to adjust most matters relative to the returns of peers and commoners from Scotland to the parliament of Great Britain, was itself invaded and extinguished, whilst the act of the 6th of Anne altered the mode of returning and electing both peers and commoners, which, until then, had been considered intangible and unalterable, by any act of the legislature. He firmly believed there was nothing in this bill which ought to alarm the religious professors of the church of Scotland, on the ground that the privileges granted to the Catholics could shake the firm and rational ground of their religion, much less raise on its ruin the supremacy of the church of Rome.

Sir G. Clerk, too, maintained that the declaration in the formula was to prevent the admission of Papists, by requiring candidates not to avow that they were of that persuasion. The formula, however, was incidental to, not part of the Act of Union.

Mr. Bankes thought that the House would act more properly in making the bill recognize the circumstance of that enactment having been passed as a partial repeal of the Act of Union. This would be the fairer course, since it was clear the bill would infringe the articles of Union.—The clause, however, as it originally stood, was carried by a majority of 158 to 54.

When the clause which excluded Catholics from the offices of lord lieutenant of Ireland, and lord chancellor of Great Britain or Ireland, came under discussion, the Marquis of Chandos moved to add to the ex-

cepted offices that of first lord of the Treasury, in order to prevent a Catholic from wielding the whole patronage of the church and state as prime minister. Mr. Peel maintained that there was no good reason for the exception. Even if a Roman Catholic should attain to the office of prime minister, he could not interfere with the disposal of church patronage; for there was a special clause in the bill which provided that "it shall not be lawful for any person, professing the Roman Catholic religion, directly or indirectly, to advise the Crown in the appointment to, or disposal of, any office or preferment, lay or ecclesiastical, in the united Church of England and Ireland, or of the Church of Scotland," and which further provided, that a Catholic, convicted of so doing, should be deemed guilty of a high misdemeanour, and disabled for ever from holding any office, civil or military, under the Crown. That appeared to him a sufficient security against the danger of a Roman Catholic, as prime minister, disposing of church patronage. From the office of lord Chancellor the Catholics were excluded; because the church patronage in the hands of the Chancellor was inherent in the office; but it was not so with the office of the First Lord of the Treasury. The church patronage did not belong to that office, nor was the person who filled that office necessarily prime minister. Speaking constitutionally, that patronage belonged to the Secretary of the Home Department; for his name was introduced in every form connected with the disposal of the dignities and preferments of the church of Scotland; the law of England never recognized such an office as that of prime minister, and

it did not necessarily follow, that the person filling that conventional office should have the disposal of the church patronage, for, according to the law of England, that attached to the office of Secretary of State. There was but little chance that a Catholic would ever be first lord commissioner of the Treasury, and he might be prime minister without holding that office; and, in any case, he could not advise the Crown in the disposal of church patronage. The law did not recognize such an office as that of prime minister. In the eye of the law, the ministers were all upon an equality. There were three Secretaries of State, and any arrangement with respect to their business was merely an arbitrary and conventional agreement. He apprehended that the signature of the Secretary for the Foreign, or Colonial Department, would be just as valid, if placed to any of these documents, as that of the Secretary of State for the Home Department. Although, therefore, there was no distinct disqualification of the Roman Catholics, with reference to the office of prime minister, yet it would be so inconvenient for any person, not possessing that patronage, to act as prime minister, that it appeared to him highly improbable, if not physically impossible, that any Roman Catholic would attempt it. The security afforded by the bill was, that there must be a Protestant Secretary of State to sign documents relating to church patronage, for they must be countersigned by some minister, and the bill declared that they should not be countersigned by a Catholic minister. Parliament would always find the responsible minister *prima facie* in the Secretary or other minister who countersigned.

Mr. Bankes, Mr. Trant, Mr. Bright, and others answered, that all this furnished the best possible reason for acceding to the amendment. Mr. Peel's argument amounted to this, that the bill itself would, by its indirect operation, keep back a Catholic from climbing to the office of prime minister, and would work out a practical security and disqualification. If so, why not declare it directly. In whatever light the constitution might view the office of prime minister, it must be acknowledged on all hands that it was one which was perfectly well known, and every man knew the power and influence attached to it. The bill to be sure declared that any Catholic minister, who should advise regarding church patronage, should be punishable as for a misdemeanour, and that would be some security, if the offender could be reached. But this offence, if ever committed, must be committed either in conjunction with his Majesty only, or else with the knowledge of his privy council. Now, how was it possible for any court of law in this country to become acquainted with what passed in the privy council? What competent witness could be brought forward in a court of law to give evidence of the misdemeanour? If the House of Commons, indeed, procured proper information on the subject, it was in their power to make a privy-councillor speak out. The law of impeachment was strong and powerful enough for that. But what a state of things would it produce, if privy-councillors were compelled to palter with the oath of secrecy which they had taken? The security thus offered, therefore, was entirely useless and nugatory. Nor was the difficulty got rid of

by saying, that documents connected with church patronage might be, and constitutionally ought to be, signed by a Secretary of State. The only consequence deducible from this was, that, if ministers were sincere in placing church patronage beyond the reach of Catholic advice, the three Secretaries of State ought to be added to the excepted offices.

The amendment was lost; as were other amendments for extending the exclusion to the offices of privy councillor, and governor in any of the colonies.

On the other hand Mr. Peel proposed an amendment, by which, in the event of its becoming necessary to exercise the patronage attached to an office which happened to be held by a Catholic, that patronage was vested in the Archbishop of Canterbury for the time being, instead of a commission to be named by the king, as the bill had originally proposed.

To the clause which required that all Jesuits, or other persons belonging to religious orders, already within the kingdom, should register themselves, and that no others should be admitted into the kingdom, after the passing of the bill, an addition was made to the effect, that it should be lawful for one of the Secretaries of State, by license, to allow a foreign Jesuit or member of a religious order, to come into the United Kingdom, and to remain therein for a period not exceeding six calendar months, with power to revoke such license if he should see fit; and if such foreign Jesuit or other person did not depart within twenty days after the license had been revoked, or within twenty days after the expiration of the license, he should be guilty of a misdemeanour, and

be banished for life from the United Kingdom. A list of all such licenses granted within the preceding twelve months was to be laid before parliament each session. The addition was made to meet the case of eminent scholars, persons engaged in historical or other inquiries, or other individuals who might be specially called hither by their pursuits of business, or of learning.

The motion for engrossing the bill with its amendments was carried by a majority of 233 to 106; and on Monday, the 30th of March, the third reading was moved by Mr. Peel. The Marquis of Chandos, on the other hand, moved that the bill should be read a third time that day six months. A debate ensued, in the course of which all that had been already said, more than once, on both sides, was said over again. The third reading was carried by a majority of 178, there being 320 in favour of it, and 142 against it. Thus, in only three weeks from the time at which it had been introduced, was passed a bill which its own supporters acknowledged to be an infringement of the constitution, and which, whether for evil or for good, introduced into the frame and spirit of that constitution, an infinitely more important change, than Britain had witnessed since the Revolution.

In the mean time, the speech of sir Charles Wetherell had procured for him an intimation that his Majesty had no further occasion for his services. After the indignant plainness with which he had denounced their manœuvring and apostacy, ministers could not allow him to retain his office of Attorney-general, without admitting that he was their master. But even his dismissal forced them into an

acknowledgment that they dreaded to intrust themselves to the judgment of the country. If they promoted the Solicitor-general to the vacant office, a new election for Cambridge would have been rendered necessary, and that was a danger which ministers dared not to incur, in the present state of the public mind. They therefore allowed the office of Attorney-general to remain vacant, until, their measure having been carried, and public agitation having subsided, they transferred to it a *nisi prius* lawyer who had once been a whig, in the person of sir James Scarlett; having provided for the Solicitor-general by placing him at the head of the Common Pleas. They knew that they were acting in defiance of public opinion; they confessed that a new election would send that opinion into parliament to confound their policy. Mr. Peel acknowledged that he reckoned on the alienation of public confidence, which is never alienated from a man whom the public think right; and it is not easy to imagine a bolder avowal from the lips of a statesman than that he and his friends are using the powers of office (for there lay their logic) to extort from the representatives of the people their consent to a measure against which he knows and admits that the hearts and opinions of the great majority of the people are set. In the same spirit the Protestant petitions, which, night after night, expressed the wishes of the Protestant portion of the empire, were treated, always with neglect, often with contempt. The House of Commons actually grudged the time consumed in presenting them; and sir Francis Burdett frankly declared on one occasion, that the friends of the

bill should apply themselves "to action," instead of wasting time in argument. All petitions against the bill were scouted as mere ebullitions of ignorance, bigotry, and love of oppression, and that too by the very men who had raised on the opinions which these petitions contained, the whole fabric of their political fortunes. The petitioners themselves were openly told that their opinions were worthless, that the subject under discussion was far removed beyond the reach of their understandings; that is, that they were utterly disqualified to judge of the value of their constitution, or of the mischief which might be done to a Protestant establishment by Catholic power. These, forsooth, were topics on which the House of Commons declared that no man in the empire could pretend to form an opinion, except about two-thirds of their own number. The truth was that, considering the character of the proceedings which, as ministers alleged, had produced a state necessity, the only fault of the petitioners was, that they petitioned constitutionally. It surely could not be more criminal to "agitate" in defence of Protestant rights, than in support of Catholic demands. Since ministers admitted they must bow to six millions of noisy Catholics, headed by a Catholic Association, what would they have said to fifteen millions of Protestants under the guidance of a Protestant Association? While they allowed that they neither could, nor were entitled to, intermeddle with the former, until they had conceded all that it claimed, what degree of effrontery would have enabled them to blame the latter, while they refused every thing that it desired? The Catholics set the law at defiance, threatening tumult and rebellion,

and they were met with respect, flattery, and concession. The Protestants confined themselves within the quiet and peaceful paths of the constitution, which they and their fathers had been taught to believe would protect them, and they were treated with ridicule and contempt. For the first time the government

of a British monarch announced to the British public, that, when they set their minds on some great public object, or wish to avoid some great public danger, they are not to be listened to, unless they assume the attitude of insurrection, and speak the plain and bold language of open menace.

CHAP. IV.

The Catholic Relief Bill moved in the House of Lords—Debate on the Second Reading—Speech of the Duke of Wellington—Amendment, to throw out the Bill moved by the Archbishop of Canterbury—Debate during three Days—Speech of the Bishop of Oxford in favour of the Bill—Opposed by the Archbishop of Armagh, and the Bishops of London and Durham—Speeches of the Lord Chancellor, Earl of Westmoreland, Lord Tenterden, Earl Grey, Lord Eldon—Lord Plunkett—Second Reading carried by a Majority of 105—The Bill is read a Third Time and passed, and receives the Royal Assent—Unwillingness of the King to consent to the Measure.

HITHERTO the most steady and uniform resistance to the demands of the Catholics had been found in the House of Lords. Whenever the Commons passed a bill, or adopted a resolution, favourable to their views, a large majority of the peers had always refused to concur in any thing which went to alter the Protestant characteristics of the constitution. Even in 1828, when the lower House had passed resolutions intended to be the foundation of a relief bill, they had been rejected by the peers by a majority of forty-five. Not twelve months had elapsed; and the Protestants, finding themselves deserted and betrayed among their own representatives, placed their last hope in the steadiness which had so often distinguished the House of Lords. It was not to be expected, however, that the dictatorial powers of the ministry, which had been strong enough to make the lower House disregard the public opinion, of which it ought to have been the organ, would lose their efficacy, when applied to a body less de-

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pendent on popular sentiment. The aristocracy obeyed the word of command, as the Commons had done; the same means which had secured a triumph in the one House, prepared the way for it in the other.

On the 31st of March, the day following that on which the bill had passed the House of Commons, it was brought up to the Lords by Mr. Peel, and was immediately read a first time. The duke of Wellington then moved, that the second reading should take place two days thereafter, on the 2nd of April. Lord Bexley and the earl of Malmesbury opposed this motion, on the ground that such precipitate haste was unbecoming; urging that, on all former occasions, a much longer time had been allowed for consideration, and that such breathless hurry was the conduct of men who were merely to decide as another dictated, rather than of legislators called to deliberate on a grave matter of public policy. The duke answered, that the subject had been sufficiently discussed already, and that the public were anxious to obtain their lordships' decision. Lord

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Holland justified him by referring to the haste with which the statutes about to be repealed had been originally passed ; and the motion was carried without a division.

On the 2nd of April, the duke of Wellington introduced the motion for the second reading, by stating, that he trusted the House would believe that the course, which he had now adopted on this question, had not been adopted without the fullest conviction that it was a sound and a just one. From the moment his majesty had intrusted him with the high office which he now held, the disturbed state of Ireland had forced itself upon his notice as a public evil, which those, to whom the powers of government had been confided, were bound to remove, if it were practicable. It was quite true that Ireland had been disturbed for many years ; but circumstances of peculiar aggravation had occurred within the last year or two. Government knew, although not possessed of legal evidence of the fact, that there existed a general organization of the people for purposes of mischief—shewing itself by simultaneous meetings in different quarters—attending the footsteps of gentlemen sent from the Catholic Association—and manifesting the influence of a superior source of authority. That organization had produced a state of society, which aggravated the previously existing evils of Ireland. In two instances towns had been attacked during the night by armed bodies of men. The Catholic Association had deliberated on the propriety of putting an end to all dealings with Protestants ; and who doubted but that, if they had adopted that resolution, they would have been able to carry it through, and even to dissuade

the people from fulfilling contracts into which they might have entered with Protestants ? In such a state of society the best parts of the constitution became inoperative. Trial by jury could no longer be used in the administration of the law. The king's prerogative, too, was touched. He could not create a peer, for such an act would have produced an election ; while an election, in the state of the country, was almost sure to end in bloodshed ; might occasion a civil war, and, at the best, could only be a new triumph to the Catholic Association. It was not fair to say, that all this arose in consequence of the laws not being executed. There was no tangible violation of the law ; there was no resistance. No troops were employed except on the occasion of processions in the north of Ireland, because no instance occurred, in which the laws could not be enforced in the usual manner. In a case which extended over the whole country it was impossible to have magistrates at every spot, and ready at every hour, to put an end to proceedings so outrageous and disgraceful. It appeared clearly that neither the form of the power, nor the means possessed by government, were sufficient to extirpate such a state of things ; that they must come to Parliament, and that, without concession, nothing could be effected. This state of things, bordering upon civil war, attended by all the evils of civil war (and which had continued for the last year and a half,) might have continued much longer to disgrace the country and the government ; and those, who were at the head of, and directed those proceedings, would have taken good care not to offer such resistance as would have given

to the government such force as might be necessary to put an end to them. Those persons knew too well that they could not offer effective resistance to the king's government; that they themselves would be the first victims of any collision; and, being able, and sagacious, and well informed men, they were perfectly aware of what mischief might have resulted to themselves; and, therefore, would have taken very good care to avoid it. Consequently, this state of things might have continued for several years, without his majesty's government having an opportunity offered them of effectually putting it down. But even if such an opportunity had been presented, he would have thought it his duty to correct it by other means than force. "I am one of those" said his grace, "who have been engaged in war beyond most men, and, unfortunately, principally in civil war; and I must say this, that, at any sacrifice whatever, I would avoid every approach to civil war. I would do all I could, even sacrifice my life, to prevent such a catastrophe. Nothing could be so disastrous to the country, nothing so destructive of its prosperity as civil war; nothing could take place that tended so completely to demoralize and degrade as such a conflict, in which the hand of neighbour is raised against neighbour—that of the father against the son, and of the son against the father—of the brother against the brother—of the servant against his master—a conflict which must end in confusion and destruction. If civil war be so bad, when occasioned by resistance to government—if such a collision is to be avoided by all means possible—how much more necessary is it to avoid a civil war, in

which, in order to put down one portion, it would be necessary to arm and excite the other. I am quite sure there is no man that now hears me, who would not shudder were such a proposition made to him; yet such must have been the result, had we attempted to terminate the state of things, to which I have referred, otherwise than by a measure of conciliation. In this view, then, merely, I think we are justified in the measure we have proposed to parliament."

On the other hand, what possible benefit could arise to any one class in the state, from pertinaciously persisting in an opposition which had already produced consequences so bad, and threatened worse. The first thing said was, that concession must be resisted, to secure the settlement of the constitution, as fixed in 1688. But a great mistake prevailed on this head regarding the permanent exclusion of the Catholics. In the Bill of Rights many things were permanently enacted, and properly so; and these were, that liberty should be permanent, and that the security for the Protestantism of the person who sits on the throne should be permanent—that is, that the king should be a Protestant, and should not marry a Papist. Then there was an Oath of Allegiance, which was also permanent; but there was no permanency given to the Oath of Supremacy, nor to the Declaration against Transubstantiation, for the Oath of Supremacy was altered before the end of the reign. With respect to the oaths to be taken by members of parliament, and the declaration to be made against transubstantiation, the invocation of saints, and the sacrifice of the mass, these were not imposed by acts of William 3rd, but by acts of Charles 2nd.

During that reign certain oaths were prescribed to be taken by persons of the Church of England—namely, those of the 13th and 14th years of his reign; and, in the 25th and 30th years, oaths were framed to exclude Catholics from Parliament. At the Revolution king William thought it would be proper to extend the basis of his government by the admission of Protestant dissenters; and, therefore, recommended, that that part of the Oath of Supremacy prescribed by the 13th and 14th Charles 2nd., which the dissenters could not take, should be repealed—for the great principle of the Revolution was, to narrow as much as possible the exclusory laws, and that principle had been embodied in the Bill of Rights. Here, then, was just the difference between what were intended to form permanent, unalterable parts of the constitution, and what was intended to be variable, though adopted, or retained, at the time, to guard against peculiar dangers. If the act excluding Catholics from parliament was meant to be permanent, there was another, of the 8th of William and Mary, requiring officers of the navy and army to take these very oaths, before they could act under their commissions. How could the former have been meant to be more permanent than the latter? and yet lord Eldon himself had consented to the repeal of the 8th of William and Mary. On what ground, then, could he now oppose the repeal of the former as being contrary to the permanency of the constitution.

The next obstacle was the safety of the Protestant church. Now, that part of the united church of England and Ireland, which was placed in the latter kingdom, was

in the peculiar situation of being the church of the minority of the people; and if violence against it were apprehended, he would ask, whether that church was more likely to be defended against violence by an unanimous government, and a parliament united with government, and with itself, or by a divided government, and a parliament of which the parts were opposed to each other? No man could look with patience and attention at the present state of this question without being convinced, that the real interests of all classes in this country, and particularly the church itself, required the consideration and settlement now proposed. This settlement would give security to the church, strength to every department of the government, and general tranquillity to the country at large.

His grace then explained the reasons which had induced him, in framing his measure, to concede every thing, and to ask nothing. He had done the first, he said, because he had observed that any restrictions on former partial acts of concession, instead of doing good had only increased the demands, and strengthened the power of those who were the subjects of the restriction. So long as you gave something which added to the power of asking with effect, and left something which could not fail to be asked for, you could do only mischief. He had provided no securities; because he did not think that any were necessary, or could be useful. He did not see how the admission of Catholics to seats in parliament could do the church any harm. They had been excluded only in the 30th of Charles 2nd; and when they were now readmitted, the church would be no

worse off, than she had been, before that statute was enacted. Any control over the appointment of the Catholic bishops seemed to be out of the question. It could be acquired only by a concordat with the pope. That, again, implied that the pope had some authority within the country to which the concordat was to extend, and that was a point which we could never yield. We must keep our sovereign free from all such transactions. "On the whole," said his grace, "I entertain no doubt that, after this measure shall have passed, the Roman Catholics will cease to exist as a separate interest in the state as they at present do. I have no doubt that they will cease to excite disunion in this or the other House of parliament. Parliament will then, I hope, be disposed to look at their conduct, and every thing which respects that country, as they would look upon the people and the affairs of England and Scotland. I will say, however, that, if I am disappointed in my hopes of tranquillity, after a trial has been given of the measure, I shall have no scruple in coming down to parliament and laying before it the state of the case, and calling for the necessary powers to enable the government to take the steps suited to the occasion. I shall do this in the same confidence that parliament will support me that I feel in the present case."

The Archbishop of Canterbury, on the other hand, expressed his surprise, that any man, who remembered what the conduct of the Catholics had always been, and who knew, as every man must know, that even what was now proposed fell far short of their ultimate objects, should attempt to justify so dangerous a measure on the ground

that it would bring peace to Ireland. When he considered the use which had been made of the concession of the elective franchise, to produce consequences which, it was said, had rendered the present measure necessary, he could see no return of gratitude in the conduct of the Roman Catholics. When he considered the liberality of the public, which had established a college for educating the Roman Catholic youth,—when he looked at the liberality of parliament granting supplies for its support,—when he saw those very men, who had been bred up at the public expense, becoming members of an association which had existed in contempt of the government, and in defiance of the laws, lending themselves to the exaction of a tax levied on the people, and converting their places of worship into meetings for factious purposes, when he looked at all the circumstances, he saw little encouragement for any sanguine expectation that the measure proposed would produce either tranquillity in Ireland or safety to the church. In his eyes it was irreconcilable with the Protestant essence of the constitution. The laws now to be repealed were treated with contempt, as having been passed during a season of agitation and alarm; but it mattered not what circumstances produced them, for they had been adopted and re-established at the Revolution, as a necessary security of the constitution. By the Coronation oath, as then arranged, the king swore to maintain the true profession of the gospel, and the Protestant reformed religion established by law. How was the king to do this? By attending churches in person? No. The king could act only by responsible advisers; and therefore, when

such a clause was inserted in the oath, it was thought that the king would always have about him proper servants, who would enable him to discharge the obligations imposed on him by the oath. Suppose, what was an extreme case, certainly, but sufficient for the purpose of illustration,—suppose the king to be surrounded by ministers who were all Roman Catholics. It was clear he could do nothing towards fulfilling those obligations; for, whatever measures he might contemplate for that purpose, there would be no person to carry them into effect. He said, therefore, that no adviser or minister of the Crown, who could not enter into the views of the king for the maintenance of the true profession of the gospel, and of the Protestant reformed religion, could assist the king to fulfil those obligations which were imposed upon him by the Coronation oath. Only look how the change would tell practically in different departments of the state. He apprehended one of the great causes of the importance of this country on the Continent to be its support of Protestant states in every part of Europe, and not only of Protestant states, but (which was of equal importance, both as maintaining the true profession of the gospel, and as indicative of the power of England) of those little bodies of Protestants which were found in large states, and of which the members, surrounded by the jealous disciples of the Church of Rome, naturally looked to this country for protection, and in time of danger sought refuge in the influence, the intercession, or the power of the Secretary of State for Foreign Affairs in this country. He would not mention names; but he must be allowed to

say, that a former Secretary of State for Foreign Affairs, with whom he had had frequent communications, told him, that his interference, as Foreign Secretary, had often been successful in behalf of oppressed bodies of Protestants on the Continent. Could the oppressed Protestants settled in a Catholic country trust the Secretary of State for Foreign Affairs, if that Secretary were a Roman Catholic, as they trusted him now,—or apply to him with that confidence with which they made their applications now? Again, it was a matter of far greater importance than he knew to describe, that the Secretary for the Colonies should be well affected to the Protestant interest. In respect to the church, the power of the Secretary for the Colonies was almost absolute. The church patronage of the colonies was principally at his disposal; the clergy were almost absolutely under his control. In dissensions among the clergy, and for the protection of their interests, he was the person appealed to. If there was not a strong Protestant spirit in the Secretary for the Colonies, it would be in his power to discourage, to the most alarming degree, and even almost to extinguish, the Church of England, in many of the colonies. It was possible that a person of religious mind, looking at the position which England occupied—at the extensive colonies she possessed in the east, the west, the north, and the south,—might believe, that she was ordained to be instrumental in the hands of Providence to extend true religion to the remotest quarters of the globe. The missionaries of England were to be found in all parts of the world; but would these zealous men continue their arduous pursuit if a

Catholic Secretary for the Colonies were added to the difficulties, already numerous enough, which they had to encounter? The king was not fairly represented in the colonies, unless he was represented by a Protestant. As to the duties of the Secretary of State for the Home Department, he had much to say upon that subject, but he did not feel himself justified in detaining their lordships. Much there was to be said with respect to the church patronage at his disposal, and with respect to the many institutions connected with the Church of England, which were under his control. The dangers, to which the Church of Ireland would be exposed, if this bill passed into a law, furnished an ample field for discussion: and he put it to their lordships to consider in what a condition a Protestant Lord Lieutenant of Ireland would find himself with a Roman Catholic Secretary of State for the Home Department, and with a Roman Catholic Secretary for Ireland. The archbishop concluded by moving as an amendment, that the bill should be read a second time that day six months.

The debate which followed was continued during three days, the 2nd, 3rd, and 4th of April. The spiritual lords who spoke, in addition to the mover of the amendment, were the archbishops of York and Armagh, the bishops of London, Salisbury, Durham, and Oxford. They all opposed the bill, with the exception of the last, who contended that concession was called for, not merely by the situation of Ireland, by the consideration of the immense military force found necessary for the maintenance of the public peace, which, after all, was not maintained, and

by the consideration of the division of opinion in both Houses of parliament, but still more by the turn which talent and education had taken in this kingdom, with reference to the question; upon that fact the right rev. bishop said he would stand. The peers, who opposed concession, were men advanced in years; but the individuals who were rising, in the natural progress of things, to fill the high offices of the state, were, with scarcely an exception, in favour of this measure. This fact, he would contend, must of itself render the continuation of exclusion impossible, when the talents, intelligence, and education of the country, were marshalled in favour of concession, and taking a course decidedly hostile to the system which had so long been followed: it was time to alter that system. It was impossible to deny the fact, that intelligence and education had been diverted into another channel, and now ran in a stream over which human power could have no control. The House could not, therefore, do other than surrender to that which they could not help or avoid; and in taking this step he would throw himself on the protection of that gracious Providence, which could bring good out of evil; which could produce light out of darkness. Independently of this, however, there were abundant reasons why he should vote for the bill. He would vote for it because it came recommended by his majesty's speech from the throne, seconded by the declaration of the heir presumptive to the Crown, supported by all the members of the royal family, except the duke of Cumberland, carried through the other House by an overwhelming majority, supported

by very many members of the House of Lords, with the venerable Chancellor of the University of Oxford at their head, supported, too, for many years, by that great and eloquent statesman whom Providence had recently snatched away from the service of his country, and specially brought forward by those ministers, who had been hitherto truly considered as the champions of the Protestant interest. These were extraordinary circumstances, which had never been combined before; and he thought that a bill, introduced in these circumstances, would, in a few years, produce a very different state of things in Ireland. The bishop of Oxford further maintained, that not only had the constitution of 1688 been already stripped of many of the securities which were then thought necessary to its safety, but that the very fact of its having been so dismantled absolved all men from any obligation to defend what of its fortifications remained. It was not a constitution, fenced in upon a principle of exclusion, that the House was now called to support; for that principle had long ago been given up. It was not a city well fortified, which they were now called upon to defend, but a city without its fortifications; they were called upon to uphold, not a constitution which prevented the ingress of Popish priests and Jesuits into this kingdom, but a constitution which, while it certainly would not admit them to seats in either House of parliament, did not prohibit them from coming to the Horse-Guards or to Westminster-hall. They were not now called upon to stand up in defence of a constitution which prohibited Ca-

tholics from holding lands, or from exercising their religion in this country. That was the constitution of 1688; that constitution was fortified by acts of parliament, which gave strength and security. But when those securities were removed, they were no longer bound to that constitution. He would not feel himself bound to stand by a city which had once been well fortified, when he saw its works dismantled, and its fortifications thrown down. Popish priests were no longer forbidden, as formerly, to enter into, or to abide in, these kingdoms,—they were allowed the free and unrestricted exercise of their religion here. Popish school-masters were no longer forbidden to keep schools—the only restriction placed on them by the present law was, that they should not take Protestant pupils—a law which was every day evaded. When, therefore, we were deprived of these securities—when these bulwarks, as they were considered, of the Protestant constitution of the country, were thus thrown down—he believed that that constitution had been long since broken down, and that the constitution, which existed at the present day, was very different from that which had been established at the Revolution. If the constitution had been originally founded upon the principle of Catholic exclusion, that principle had been long since done away with; the Catholics had been admitted to a participation in the rights and privileges of the state, and to the possession of substantial power; and it was one thing to hold out against an enemy in a well-fortified town, and another thing to make a defence in a town completely stripped of its fortifications. It

was one thing to uphold the constitution as established in 1688, and another thing to adhere to that constitution, when all its bulwarks and all its fortifications had been removed. To the church he anticipated no danger. The Church of England was safe; for the people of England possessed the most hostile feelings towards all the doctrines of popery. The Irish Church was no doubt placed in an anomalous situation, and he had no wish to depreciate the dangers to which she was exposed; but these dangers, instead of being increased, would be diminished by the measure now before the House.

The Archbishop of Armagh, on the other hand, confining himself principally to the effect of the bill on the Church of Ireland, contended, that it was a great and a dangerous delusion, though it might be a sincere one, to suppose that the capacity of holding office, and sitting in parliament, as mere civil rights, was the ultimate object of the Catholics, or that its acquisition would render them grateful and tranquil. The bill before the House would increase the power, without lessening the wish to do mischief. If the House could subdue the intolerant spirit of the church of Rome, disarm the priests of their influence over the people, and withdraw the people from their allegiance to the see of Rome, making them citizens of their own country, and letting them take their stand among other dissenters, in such a position as the wisdom of parliament might think proper to place them, it would be well. But would any man say that they could make the church of Rome tolerant, or persuade the priesthood of that church to hold an inferior rank to

a clergy, the validity of whose orders they denied, and whose church they reviled as adulterous? Could any one suppose that the Roman Catholic priests would quit their hold upon the consciences, the wills, and the passions of men, when their spiritual despotism was the most powerful engine for their own aggrandizement? The Roman Catholic priesthood must ever stand alone. It had set the indelible mark of separation on its own forehead, by its unnatural, though politic restrictions,—by its claim to exclusive pre-eminence,—and by its dangerous and unconstitutional connection with a foreign state. With respect to other sects, their ascendancy was hopeless; their opposition was confined to matters of minor importance; and even that opposition ceased, when they found that the common cause of Protestantism was in danger. But ascendancy would be placed within the reach of the Roman Catholics by this bill; and could any one believe, that they would not attempt to seize upon that ascendancy, when it was perfectly well known that the promotion of the interests of their church was with them a point of principle and of honour, which they considered as far superior to the claims of country or of kindred? The confederacy of the priesthood, actuated by a hatred of whatever was Protestant, would leave no means untried to exalt their church at the expense of the Protestant establishment, especially when they found that those, who ought to support that establishment, were divided into parties. Such must be their objects and their wishes, and this bill furnished them with the means of compassing both. It was easy to see, how great would be the in-

fluence exercised with respect to any measure, however adverse to the interests of the Protestant religion, by so large a body of Roman Catholics as would, under this measure, be introduced into parliament,—a body compactly formed to carry its own peculiar objects,—a body ready to throw its weight into the scale of any party that would offer the largest and most extensive boon for its assistance. Such a body might, by care and cunning, thwart the measures of every administration which should honestly and boldly set its face against those further concessions, which indubitably would hereafter be demanded. Let it also be recollected, that this was a body, which would, in a great measure, be sent into Parliament by their own priesthood, that priesthood being under the immediate influence of a supreme foreign head, and armed with a most powerful authority. To adopt such a course, under the notion of strengthening the church, and controlling her enemies, was most mistaken policy. It had already begun to produce its bitter fruits by disuniting the best friends of that very church. He did not mean to say, that, after the passing of the present bill, the subversion of the established church would immediately occur; neither did he think that it would be very remote. The Roman Catholics would be at first wary and cautious—they would studiously conceal their views and feelings; but when they were emboldened by success, and elated by favour, they would then manifest their real intentions. Were their lordships, then, prepared to sacrifice the Protestant church of England—were they prepared to sacrifice the Protestant constitution of England, by placing in the

hands of the Roman Catholics a power which would ultimately enable them to attain the ascendancy? for it was admitted on all hands, that to one or other of the opposed parties ascendancy must be granted.

The bishops of London and Durham expressed the same sentiments regarding the inevitable danger to the Protestant establishments, which must necessarily spring from what was neither less nor more than a deliberate arming of the Catholics with the power required to effect objects, which the Catholics themselves had the candour not very carefully to conceal or disguise; and they denounced the monstrous folly of legislating upon the principle, that men would lay down their mischievous designs, whenever they obtained the means of putting them in execution. The enemies of Protestantism knew better; and it was remarkable, the bishop of Durham observed, how strange a combination of persons hailed the dawn of the new policy. He could understand the support given to the bill by men, who held it as a principle that in political arrangements all religions were alike; and he could understand the support given to it by men who held it as a principle, that religion in any shape was a troublesome thing; but he could not understand how either the one or the other could support it, if they believed what ministers said. The bill was not introduced on the ground, that there ought to be no political distinctions on account of religion. On the contrary it was confessedly brought in on the principle that there ought to be a favoured and dominant church; that that ascendancy should be secured to the Protestant establishment; and that what was now pro-

posed would render its predominance permanent. A measure, which was to do all this good to Protestantism, had united in its favour the acclamations both of Catholics and of all classes of liberals, down to the lowest grade of Socinians. When men whose opinions led them to keep down the ascendancy of any church, and others whose conscience bound them to labour against the ascendancy of the Protestant church, so acted, he could not help thinking that they joined with him in holding the natural and necessary consequences of the measure to be any thing but friendly to that ascendancy.

Of the temporal peers, the defence of the bill was principally undertaken by the Lord Chancellor, the marquis of Lansdown, viscount Goderich, the earl of Westmoreland, earl Grey, and lord Plunkett. The marquis of Lansdown repeated the general grounds, on which the party, to which he belonged, had always supported concession, and was willing to take his ground on the proposition, that it would prove the means of restoring tranquillity, and enforcing good order. In addition to these topics, viscount Goderich insisted upon the right which Ireland had acquired by the Union, the only thing that gave Britain the power of refusing what had been so long and so earnestly sought.

The Lord Chancellor had a more difficult task to perform. The Lord Chancellor was among those who, up to this time, had been distinguished by his learned, earnest, and eloquent refutations of all the pleas for concession which were now put forward; and all these refutations he was now called on to confute. He began his speech by explaining

to the House that he had spoken on this subject only twice before, once in the House of Commons, and once since his elevation to the peerage, and had explicitly stated on both occasions, that, if concession could be granted consistently with the security of the Protestant established church, and the great interests of the empire, it was the duty of parliament to give it. So clearly had he stated this, that some of his constituents at Cambridge, who thought that emancipation ought not to be granted under any circumstances, had blamed him for going so far as even to hint that it could ever be possible. This was the language which he had held in the House of Commons; this was the language which, as their lordships would recollect, he had used last year in the assembly which he was now addressing; and such was the language which he still held, when he said that the present bill might be passed without danger to the constitution, or to the Protestant establishment. This was lord Lyndhurst's defence of his consistency—and when he made such a defence, he adopted the common expedient of mis-stating the charge. The charge against lord Lyndhurst was not that he had once opposed concession, whatever securities might accompany it. To such an accusation his statement might have been an answer. The charge was this, that lord Lyndhurst, even so late as last year, had declared in parliament his firm conviction that emancipation, even though attended by weighty securities, was pregnant with danger to the constitution and establishment; and the same lord Lyndhurst now declared in Parliament his equally conscientious conviction

that the same emancipation, without any securities at all, would be pregnant with safety and prosperity to the same constitution and the same establishment. The change of opinion might be fair and honest; but to deny the change was a very intrepid proceeding. The world might be wrong in saying that lord Lyndhurst adopted his new creed, because the duke of Wellington made the doing so a condition of his continuing to hold the Great Seal; but the world was undoubtedly right in saying that, for lord Lyndhurst, it *was* a new creed.

The Chancellor then passed to the merits of the measure. For two years past, he said, he had paid much attention to Ireland, and made many inquiries regarding its condition. The conclusion,—a conclusion which seemed to be admitted on all hands—was, that Ireland could not be allowed to remain as she was. With this conviction, he turned his mind to the means by which that condition might be ameliorated. He found that, under a course of twenty-five years proscription, matters had not improved. That was understating the argument. They had grown worse; and from what he heard and knew, there was every reason to believe that they would become even worse than they were at present. It became his duty, therefore, to consider whether conciliation ought not to be tried, where severity had failed. It was under these circumstances that his majesty's ministers had come to the determination, in which he concurred, of putting an end to the grievous discontents which had so long prevailed in Ireland. They had adopted a course which would lead to the termination of these mischiefs, and give to the people of Ireland

tranquillity and prosperity.* His lordship next expressed his decided opinion, that the proposed measure was no infringement of the constitution as established in 1688, and he maintained this on the same grounds which had already been put forward in both Houses, viz. that the acts of parliament excluding Catholics formed no part of the Revolution settlement, but had been enacted before it, and were mentioned then, merely because it was necessary to make some alteration in the oaths which they imposed. According to the arguments of some individuals, we had not enjoyed a Protestant government during much more than a century. Now he contended that a Protestant government had existed from the time of Elizabeth down to that of William 3rd; and, during a whole century of that period, Catholics had been admitted to parliament under that Protestant government.†

* This was said on the 3rd April 1829. On the 10th of June 1828, Lord Lyndhurst said, in the House of Lords, on the very same topic. "In my opinion, and exercising the best judgment I can on the subject of their demands, I do not think that making the concessions now demanded will have the effect of composing or tranquillizing Ireland. I contend, that by agreeing to this motion, we shall not purchase tranquillity. The notion is fallacious. We shall only give new means to support further claims, which will be urged and backed by the very power we have ourselves conferred." And this was said on a motion for merely going into a committee to consider the claims.

† The Lord Chancellor was here giving a legal opinion on the effect of acts of parliament, and public declarations. Ten months before the same lord Chancellor had given his legal opinion, on the very same topic, to a diametrically opposite effect. On the 10th of June 1828, lord Lyndhurst said, "the celebrated declaration issued by William detailed the laws by which Catholics were excluded

Since the Revolution, the government had surely been Protestant; yet since the Revolution, power of all kinds had been conceded to the Catholics. The whole mass of penal laws had been repealed in their favour; they had received the elective franchise; the army and navy had been thrown open to them; and much of all this had been done, when lord Eldon himself was a confidential servant, or a responsible minister of the Crown.

In regard to the dangers apprehended from concession, lord Lyndhurst had now convinced himself, "after considering the subject much and deeply, that they were merely imaginary." It was admitted on all hands that no danger could be apprehended, from the admission of the Catholic peers; and, restricted as the elective franchise was to be, he was in no degree apprehensive that such a number of Catholics could procure seats in parliament as would pro-

from parliament and from office, and the various provisions of the Test act; and after stating the attempts which were made to evade those laws, described the great object for which he came, to be the enforcement of the execution of those laws, the preservation of the liberties of the country, and the establishment of the Protestant faith. A meeting of the Lords and Commons took place; a convention was assembled, *when these laws were again considered, and declared to be a part of the constitution.* Up to that period, it was clear that though Catholics were excluded from parliament and from office, they were not excluded from the Crown. But then a preamble was attached to the Bill of Rights itself, declaring, that from that period the Crown should be held only by a Protestant. *Then it was that the Protestant government was for the first time established. So that there never was a complete establishment and union of a Protestant church and a Protestant state until the Revolution."*

duce any inconvenience. Moreover, were they to look at the question only on one side? Even if there were some danger, it seemed to him that the danger to be dreaded from the discontent of five-millions of subjects, if their prayer were rejected, was infinitely the greatest and the worst. He did not participate in the apprehensions which some entertained. He, for one, entertained no apprehensions that, if the professors of the Roman Catholic religion should be introduced into parliament, they would exercise their influence to overthrow or injure the Protestant established church, and he entertained no apprehensions whatever that, in the discussion of those questions which concerned the church, her interests would be sacrificed.* Looking at this measure both on a political and a religious principle, he was sure that it would put an end to the contentions and animosities which had prevailed, particularly in Ireland, and that it would operate to the advantage of the Protestant church and the Protestant religion.† If he were asked

* On the 10th of June, 1828, the opinion of lord Lyndhurst had been thus expressed, "If any noble lord can bring his mind to this conclusion,—that it is just *that the Catholic religion should be predominant in Ireland*, then I can understand his argument, and that noble lord will act a consistent part. But it is because I love the Protestant church of Ireland, and consider it as a bulwark of that of England, that *I cannot consent to the demolition of the Protestant ascendancy in Ireland. I cannot, therefore, grant this intermediate step, which can have no other tendency than to accomplish an object which I deprecate."*

† Of the designs of the Catholics, his lordship had said, on the 10th June, "I have remarked, that for the last seven years, the priesthood and the Catholic hierarchy have so increased

what was the security on which he relied for the maintenance of the Protestant church, he would say that he relied mainly and principally on the purity and soundness of its doctrines—on the arguments put forward by those great and good men who had supported that creed in former days—and on the zeal, and learning, and exertions of the present clergy of the Protestant church in these countries.* One

their influence and authority, that it is now more effective, and exercises a more unrestricted control, than ever it exercised in preceding periods of our history. This influence I firmly believe will be only confirmed and strengthened, if the concessions demanded by the Catholic body be now obtained. As long as this sort of religion continues to be the religion of Ireland, it is vain to expect any efforts of this nature can ever succeed in calming and composing that agitated country. And would it be right, under such a state of things, to grant to the Catholics of Ireland that species of concession which is in fact substantial power. If it be said that the Catholics will be satisfied with what they now ask, I answer—look to the past; arguing from the nature of human passions, and in particular from the character of the Roman Catholic religion, it is quite impossible they can be satisfied,—it is impossible they would stop. Do they say themselves they will be satisfied? No such thing: they avow that they regard these concessions as merely preliminary to something more."

* These were not the securities with which Lord Lyndhurst had been willing to be satisfied ten months before, when he said, after impressing upon the House the certainty that the Catholics would only use what they got to extort more, and accomplish the downfall of the Protestant ascendancy, "Before we make such an experiment, let us have some security to look to, which may, however imperfectly, serve as a guard to our establishment from any thing like innovation on the part of the Catholics. In the very outset of the discussion we have been informed that no consent will be given to the principle of securities;

consideration, he confessed, did at first sight appear entitled to some weight—will you admit members of the church of Rome, it was said, into a senate expressly assembled to consult for the interest of the Protestant church? But history showed that this apprehension, like many others, was altogether unsubstantial. At the period of the Union with Scotland, the same argument was employed. Lord Nottingham, the son of the chancellor of that name, pressed it strongly. He asked, "Will you receive among you these Presbyterian representatives from Scotland? Will you gather persons in communion with the Kirk of Scotland into this House, and will you permit them to legislate regarding the affairs and interests of the Church of England? If such an Union as this shall be effected with Scotland, and if men professing the doctrines and imbued with the prejudices of the kirk are admitted into this House, then good-bye to the laws and constitution of England." Now, what was the result of the introduction of those Scotch members into the legislature? They had now an experience of them for more than

that, in fact, in the present posture of affairs, neither the Catholic people nor their clergy are disposed to purchase concession at the price of securities. Mr. Pitt, Mr. Fox, and Mr. Canning all admitted the absolute necessity of securities. They all demanded security, and satisfactory security for the conduct of the Catholics, if admitted to all the privileges of the constitution. If I could be satisfied there was no reason to fear that any danger would result to the state from this concession, I might, perhaps, be content to adopt the proposition; but when these advocates say, we will give you no security, we will not condescend to treat with you, even on the basis of securities, then your lordships must agree with me that we are in a new and altered position altogether."

a century—those members had taken a part in various discussions on important questions, in which the interests of the Church of England were concerned—they had acted throughout these discussions like other members of parliament—and there was a still stronger argument to prove their impartiality, derived from the fact, that they were frequently to be found amongst the majority on the side of the Church of England, on many questions involving her interests and rights. At no time had those representatives from Scotland allowed their prejudices or partialities in favour of their own church, to interfere with their public duties, or to enter into their character as representatives; nor could there be an instance, he believed, pointed out, in which they had displayed such a feeling in the course of the discharge of their parliamentary functions.

The marquis of Anglesey, who, three months before, had been recalled from his government as viceroy of Ireland, because he held out hopes of emancipation to the Catholics, insisted principally on the military points of view in which the question ought to be considered. Every man acquainted with the state of Ireland would agree with him, that in a time of profound peace, under the exclusive laws, 25,000 men was but a scanty garrison for Ireland. In the event of war, or even of the rumour of war, that would be an improvident government which did not immediately add a force of 15,000 men to the previous military force: 40,000 men would be barely sufficient, under such circumstances. It could not be questioned that both France and America wished to do us injury; and,

in case of any collision with either of those powers, the first object of both would be, to throw arms to a great extent into the hands of the discontented Irish. "I am arguing, be it observed, upon the supposition that the exclusive laws are in existence; for if they were not, the arms would not be received, or, if received, would be turned against the donors. But suppose that we are absolutely at war, and that there is a combination of the powers of Europe—no very unlikely contingency—against us. I then say that it would be madness in any administration not to throw 70,000 men immediately into Ireland. I should be sorry, with all the power of steam to convey troops from the Continent, and all the advantages which modern science has recently introduced into the art of war, to see Ireland with so scanty a garrison in time of war, under the exclusive laws. But, on the other hand, suppose this bill to be passed into law by this day month: declare war if you like the next day; and I assert that you will have no difficulty, within six weeks, to raise in that country 50,000 able-bodied, and, what is better, willing-hearted men, who will traverse the Continent, or find their way to any quarter of the globe to which you may choose to direct their arms. The passing of this bill is worth to the British empire more, far more, and I do not wish to exaggerate, than 100,000 bayonets."

The duke of Richmond, the earls of Winchilsea, Harewood, Mansfield, Falmouth, and Enniskillen, all spoke against the bill. The Protestants they said, had derived some consolation from the declaration of the duke of Wellington, at the opening of the

session, that the measure he had to propose would be found to be one which would satisfy the Protestants, give greater security to the Protestant institutions, and check the growth of popery. Such had been his grace's description of the measure which he intended to propose; but now, when the measure itself was known, it was found to be in every thing the reverse of what had been promised, and justified the worst apprehensions of the lovers of the constitution. Instead of being fitted to satisfy the Protestants, the Protestant opinion of the country had already been unequivocally expressed against it. The number of petitions, which had been presented against it in both Houses of parliament, and the number of addresses which had been laid at the foot of the throne, bespoke the powerful and strong feeling which existed against the measure amongst the Protestants of this country. The expression of that opinion had been still louder and more general since the details of the measure had become known, and the rallying sound throughout the country now was, "Protestant Ascendancy." For the first time, the Protestants of Great Britain were called on to bend before Irish rebels and seditious demagogues; and that, too, on mere conjectural views of imagined expediency. It was said, you are to examine two dangers, and the danger of disturbance was greater than any that could flow from concession; but when the latter danger was the sacrifice of the Protestant constitution, the parliament which incurred it was inexcusable, whether their conduct proceeded from dread of foreign attack, or of domestic dissension. It was easy to under-

stand why men, who did not believe that Protestantism formed any part of the constitution, should pay for tranquillity, what must appear to them so low a price. But his majesty's ministers had always been of a different opinion. They had maintained and avowed, again and again, that a measure like this was pregnant with danger to the constitution: though their views of the expediency or in expediency of incurring that danger might have changed, the danger itself must be the same; none of them had attempted to shew that his former convictions on that point had been erroneous—for if so, there would have been no occasion to take refuge in expediency. Now no danger had yet arrived, or threatened, which could be put in the balance against the violation of the constitution. Was the British Protestant constitution a thing, for which it was not worth while to encounter danger? Would we defend it with our lives against invaders abroad, and yet sacrifice it at once to demagogues at home? The horrors of civil war were threatened. Suppose it were so; was the constitution to be sacrificed, whenever a number of unprincipled men threatened rebellion, if it was maintained? But the apprehension was groundless. The noble mover of this very measure had himself admitted, that resistance was nowhere offered; that the Catholics were too wary and cautious to offer it; that his troops found no occupation, because they met with no enemy. Wise and good men would do much to tranquillize Ireland, but they would not give up, even for that object, the Protestant constitution of Britain. At all events, if such a price were to be paid, the return

must be certain, not conjectural ; yet the anticipated tranquillity of Ireland was merely hypothetical, and in the face of all general experience, as well as of our special experience of what Catholics were, and what they wanted. Much still remained for them to accomplish ; and the great lesson taught them by this bill was, that whatever they should demand they would obtain, if they only demanded it with threats of exciting public disturbance in the event of its being refused.

The Marquis of Salisbury, who had moved the address, at the opening of the session, said that he had done so, because he was prepared to change the condition of the Catholics ; but he had never imagined that valid and adequate securities would not be provided—and these securities he thought were to be found only in connecting the Catholic priesthood with the state. He was aware that this proposal was not popular in the House ; but the fact was, that the priests were to have the exercise of great political power, with every motive to hostility to the church establishment. A few years ago seventy-nine members of the lower House had voted for a direct tax on the property of the church, and the resolution declared that that property belonged to the public. Was not the addition of a formidable band of members, prepared to join in this vote of attack on the church, a sufficient ground to apprehend danger ? Would their lordships look at the declaration of a Roman Catholic bishop, that he wished to decrease the property of the church ? Or would they take the candid declaration of an hon. member of the House of Commons, that he supported this

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measure as the first step to the subversion of the church ? By abandoning securities, their lordships would be signing the death-warrant of the Protestant establishment of Ireland ; if the Protestant establishment of Ireland fell, that of England would shortly follow ; and with the downfall of the church, a revolution would ensue. The evil was not without a remedy : but unless his majesty's government contemplated some ulterior measure, he considered that the present would affect the property of the church.

The Earl of Westmoreland had always been opposed to the changes now proposed, because he thought they were unnecessary, and would lead to consequences which no man could foresee. The latter part of this opinion he still entertained, but he now felt that their lordships had to weigh between distant and speculative dangers, and urgent and pressing mischiefs. This was the dilemma to which Parliament had been brought, and it was worth while to inquire how it had been so. The first cause of it was to be found in the conduct of many of their lordships in the opposition, who had made this a party question in England and Ireland, and had worked much, by their statements, on the minds of the great mass of the Irish population. The next class, to whom he attached blame, consisted of the Irish landed gentry, who had sacrificed their estates for electioneering purposes, and thus surrendered their power to the Catholics. But there was a third party, in which he must class himself, to whose conduct the present state of things was, in a great degree, owing—he meant every member of lord Liverpool's government for the last ten years. First,

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they had appointed to the Secretaryship of Ireland a gentleman (Mr. C. Grant) whose opinions and feelings were strong in favour of the Catholic claims; and for the consequences of that appointment the Home Secretary of that day was, in a great degree, responsible. The next step was the appointment of a gentleman (Mr. now lord Plunkett), whose opinions ran still more strongly in the same direction, to the office of Attorney-general for Ireland. Then came his majesty's visit to Ireland. Were not those to blame, who, on that occasion, allowed the Catholic bishops, wearing all the paraphernalia of their religion, to present an address to his majesty? What was not to be expected by the Catholics after this, and after the letter written subsequently to his majesty's departure? It was clear that, in men's minds, hopes and expectations must have been raised, which led to the situation in which Parliament now found itself. Then came the appointment of Mr. Canning to the office of prime minister; and in consequence of that appointment, both England and Ireland were reduced to such a situation, that we must, at length, settle the question. "We have passed a bill for suppressing the Association; but does any man suppose that it will be possible to execute that law in case of the rejection of this measure? I had the honour of trying very strong measures in Ireland. I succeeded in putting down the Volunteers by a simple proclamation. I put down a stronger association than the Catholic by an Act of Parliament. Then our situation was different; we then had the support of Protestant Ireland and of United England. But what would be the case now, if any thing wrong

happened? Two-thirds of the people of Ireland would be against us; the greater part of the landed proprietors would be against us; and I need not add, a great majority of the House of Commons. It has been said, that the measure is at variance with the opinions of the people, and that the opinion of his late respected majesty was against the question. No man ever came to wiser conclusions; but, like the late lord Kenyon, he sometimes came to them by extraordinary means. When king George the Third was told that Mr. Fox and Mr. Pitt were of the same opinion, he said, that when Mr. Pitt and Mr. Fox differed in opinion, one of them might be right and the other wrong; but when they agreed, they were both sure to be wrong. Now, my lords, I hope the people of England do not argue on that principle; and when they know that every member of the cabinet was friendly to the measure, with the exception of three, I hope it will not diminish the weight of their authority."

Lord Tenterden, the Chief Justice of England, said, that he did not often trespass upon their lordships' attention, but he knew it was expected from a person filling the situation which he had the honour to hold, that he should not give a silent vote on a question of so much importance. He must set himself against ministers and their present proposal; because he knew it to be a violation of the constitution—because he believed it to threaten ruin to the Protestant church, which he valued, both on account of the purity of its doctrines, and as being, of all churches that existed, or ever had existed, the most favourable to civil and religious liberty—and because he saw no counterbalancing benefit even

likely to be gained by so fatal a sacrifice. The various acts for the exclusion of Roman Catholics had been frequently adverted to in these debates. It had been assumed that the exclusions in the reign of Charles the Second were introduced in consequence of the wilful misrepresentations of Titus Oates. Though this might be true as far as related to the exclusion of Roman Catholics from Parliament, it was not correct as related to their exclusion from all other offices. By the act of the 1st Elizabeth, he was ready to admit that Roman Catholics were not excluded from the upper House of Parliament, for the queen stated that she had such confidence in the members of their lordships' House, that she did not think it necessary to make any provision for their exclusion. Subsequently even to this act, he was ready to admit, that means were devised of reconciling to Roman Catholics the taking of the Oath of Supremacy, so that many of them sat in the lower House of Parliament. What were the means by which Roman Catholics had been reconciled to the taking of this oath, consistently with the preservation of their religious faith, he could not undertake to state: but he supposed that the Pope, ever fertile in expedients of every kind, had devised means whereby Roman Catholics were reconciled to the taking of this oath. At the accession of William 3rd, the oath against Transubstantiation was necessary to be taken as a qualification of admission to Parliament. On the 22nd day of January, a day memorable in the history of this country, it would be found that, in the Declaration of Rights, which was presented by that Convention to the Prince and Princess of Orange, at the Ban-

queting-house at Whitehall, a provision was introduced, whereby it was declared that no foreign prince or potentate hath, or ought to have, any spiritual jurisdiction, &c. within this realm. Much stress had been laid upon the omission in the Act of Settlement to make the oath of qualification for members of Parliament a permanent part of the constitution, together with the limitation of the Crown to Protestants; but the reason of that omission was obvious. The Act of Settlement was an act providing for the Protestant succession to the Crown; and if, in the oath of coronation of king William, he was called upon to subscribe to the Protestant religion, and his successors were bound to be Protestants, such a provision was not more essentially a part of the constitution than was the act enacting the oaths to be taken by all future members of Parliament. These oaths, to be taken by members of Parliament, were not declared to be an essential part of the constitution, as well as the oath for the regal office, because a provision had been already made for that purpose. As to the principal ground on which the present bill rested, that it would give tranquillity to Ireland, he anticipated no such result. It would only give increased power to those who were disposed to exercise it for no good purposes. He blamed not his majesty's ministers for the course upon which they had resolved. He believed they adopted it upon information which they deemed to warrant it, although the information laid before Parliament did not support the necessity of the meditated change. Their lordships could not have failed to observe the proceedings of a body of men

in Ireland, who, whether from neglect or apathy, encouragement, or whatever cause he would not now inquire, were permitted to hold daily meetings, and make speeches at those meetings which were daily published and spread throughout the country. These persons did not conceal their objects; they openly declared that they would not rest satisfied, until they rooted out the Protestant church, which they denominated a pestilent heresy. He was at a loss to conceive how such things had been permitted in a country where a civil government was established. If these meetings could not be prevented, could not such speeches as he had described be restrained, or, if they could not be restrained, at least could not the publication of them be prevented or punished?

Earl Grey spoke at great length; repeating the argument, that the exclusion of Catholics had not been originally any part of the Protestant government, since they had been found in Parliament from Elizabeth down to Charles 2nd.—that the exclusion, when it did come, was adopted to guard against temporary political dangers, which had long since disappeared; that it formed no part of the essential provisions of the Revolution Settlement, or of the Bill of Rights;—that the provisions of the Bill of Rights itself had undergone manifold alterations, examples of which were to be found in the restraints which at different times had been laid on the right of petitioning, and in the extended duration of Parliaments;—that even the act of William 3rd., prescribing the oaths which, so long as they existed, excluded Catholics, had been any thing but unchangeable, since it had been relaxed to admit Catholics

to bear commissions in the army and navy;—and that the Coronation Oath never was intended to restrain the king from consenting to such alterations as Parliament in its wisdom might enact. He entered at greater length than any other peer into that important part of the question which related to its bearing on the Act of Union with Scotland. He maintained it was impossible to argue, that the united Parliament did not possess the same powers to admit or exclude Catholics, which had been exercised by the parliament of Scotland. Had not the articles of Union with Scotland been repeatedly departed from? He did not mean to justify one unlawful departure from those articles—one impolitic infraction of them—on the ground that it had been preceded by others of an equally impolitic and unlawful character; but he would maintain, that circumstances might arise, which would render a departure from those articles by the legislature of this country a wise, a prudent, and a lawful act. Some years after the Union with Scotland, the very persons who had promoted and sanctioned that measure, introduced a bill into Parliament which made a most material alteration in a substantive and express article of the Union respecting the prerogative of the throne itself, and the laws relating to the government and discipline of the church of Scotland. By the Act of Union it had been expressly provided, that those laws should remain precisely in the same condition in which they had been previous to the passing of that measure. Now, some years before that, in the reign of king William, a law had been passed which provided that

the ministers of the church of Scotland should be elected by the heritors. However, in the tenth year of the reign of queen Anne, it appearing to the legislature that in consequence of many of the heritors being attached to the cause of the Pretender, it was impolitic to leave that power in their hands, this law was repealed, and a most material and important alteration in the Act of Union effected by the legislature. The government of the church of Scotland, and the appointment of its ministers, which, under that law, had been given to the heritors, was taken from them, and vested in the lay patrons and in the Crown. This, their lordships would perceive, was a most material alteration in the Act of Union. Some noble lords would not be sorry to hear that it was competent for Parliament to depart from that Act of Union, when he told them that, unless such power belonged to the legislature, they would not have been able to have legislated, as they had done of late years, in regard to the corn-laws; for every measure which they had passed respecting the importation of corn was a direct violation of that Act of Union. By the sixth article of the Act of Union with Scotland, it was provided as follows:—"And whereas the importation of victual into Scotland from any place beyond sea would prove a discouragement to tillage, be it therefore enacted, that the prohibition, as now in force by the law of Scotland against importation of victuals from Ireland, or any other place beyond sea, into Scotland, do, after the Union, remain in the same force as now it is, until more proper and effectual ways be provided by the Parliament of Great Britain for

discouraging the importation of the said victuals from beyond sea." What now, he would ask their lordships, became of the assertion that the Act of Union with Scotland was inviolate? What was the measure of last year in reference to the corn-laws but a direct violation of this sixth article of the Scottish Union? Again, was not the act abolishing the heritable jurisdictions, which had been passed by the legislature subsequent to the Union, a direct violation of the articles of that act? It was expressly provided by the Act of Union, that any land-tax, which should be imposed on Scotland, should not exceed a certain sum, to be calculated in proportion to the amount of the same tax levied in England; and that, whenever a tax of that description was imposed in England, the quota of that tax reserved for Scotland should not be greater than that calculated proportion. What happened on this subject? It became necessary for the government of this country to impose a property tax; that was, in effect, a tax imposed on land; but the proportion expressly stipulated by the Act of Union was not reserved for Scotland, and property in Scotland was taxed in an equal degree with property in England. It appeared, therefore, to him impossible to maintain, after Parliament had thus expressed the sense in which it understood that act, that this Act of Union was such a limitation on the legislature that they could never afterwards adopt or sanction any measure which might appear to be in controvention of that act, although demanded by the interests and the necessities of the country. But if there existed the slightest doubt on this subject, that doubt, he would con-

tend, was at once and completely removed by an express provision in the eighteenth article of the Act of Union, which directly provided as follows:—"That all other laws in use within the kingdom of Scotland do, after the Union, and notwithstanding thereof, remain in the same force as before (except such as are contrary to, or inconsistent with, this treaty), but alterable by the Parliament of Great Britain, with this difference between the laws concerning public rights, policy, and civil government, and those which concern private right, that the laws which concern public right, policy, and civil government, may be made the same throughout the whole United Kingdom, but that no alteration be made in the laws which concern private right, except for the evident utility of the subject within Scotland." Thus was the government expressly empowered, by this very Act of Union, in all matters of public policy, or civil right, to make from time to time what alterations it might consider fit and proper for the general good of the United Kingdom; and it was solely in reference to matters of private concern and advantage, that the government was at all restricted; it being stipulated that in such matters it should consult "the evident utility of the subject within Scotland."

On every ground, then, the right to make the change was clear; and in his opinion the justice and prudence of making it were equally obvious. The great object of alarm seemed to be the "political power" which the bill would confer, and which, it was said, was the object at which the Catholics had all along been aiming. Political power it certainly

would bestow, but power of the most legitimate kind; while the energy which the Catholics had displayed, and the efforts which they had made, in seeking to obtain that political power, which was the birthright of every British subject, constituted their best claims to the concession of that power. Their efforts to obtain that inalienable right proved that they entertained a just sense of the great boon which they were seeking, and that they were willing to suffer much to procure its accomplishment. If, instead of acting thus, the Catholics had sat down contented, and borne tamely, quietly, and patiently, the deprivation of such a great and important privilege, they would have shown that they deserved to continue that oppressed and degraded class which they had been unfortunately too long. It was true that eligibility to office and to seats in Parliament constituted political power; but eligibility to office and to seats in Parliament constituted likewise a civil right. It was the civil right which produced the political power which was necessary for the protection of that civil right; and in aiming at that the Roman Catholics had only been aiming at the justifiable object of placing themselves upon an equal footing with the rest of their fellow subjects. The power, which the Catholics would obtain by the passing of this bill, would be eligibility to Parliament, and to all the offices under the Crown, with a few exceptions, and the fewer the better,—to all offices connected with the state and the law. This was all the addition to be made to the political power which they already possessed; and the addition was one, the concession of which would

strengthen all the interests of the empire, and unite all in promoting the general security of the state.

As to the effect of the bill on the state of Ireland, he would not venture to say that this law would at once give tranquillity to Ireland, and remove all the dangers which had so long surrounded its course; but he was sure that without this law it was impossible to have tranquillity, or to be free from danger. He had every reason to believe that this measure had already conferred much good; and certainly such an effect could not be too soon produced, when it was remembered how large a force it was necessary to keep in Ireland, and how exposed the whole country lay to the attack of an enemy in the event of a war. By the system of exclusion they had produced more than one rebellion in Ireland which had been extinguished in blood; but had they induced consequent tranquillity? By no means. On the contrary, Ireland had been growing worse and worse every year, requiring a large military force to keep the people of that country in a state of obedience, even in a time of peace, and a still larger military force to prevent insurrection in a time of war. Was this the mode of making that country a useful portion of the empire, contributing its full share to the national burthens? Was this the way that we should be prepared for war? But, it was urged, if you pass this bill, the church of Ireland is destroyed, and Catholic ascendancy virtually proclaimed. That church unfortunately was placed in a situation which could not be freed from difficulties of one sort or another, let them do what they would. The great obstacle to its triumph had always been, that it had never

been the church of more than a small minority of the people of Ireland; and that it was the church of so very small a minority had been owing, he verily believed, in a great degree to those very laws. Take them away, and the number of its disciples would immediately increase—not from the spirit of conversion, for any open attempt in that way would prove most impolitic—but from its superior reason, and from its more wholesome tenets, which would come more fairly into play as soon as it should be relieved from the invidious situation in which it at present stood. Take away that false protection of exclusionary laws, and the ministers of that church whose doctrines were of superior truth and excellence would prevail in the conflict of argument. When they had to depend entirely on the truth and reason of their doctrines, and trust altogether to the arms with which they originally conquered, their exertions would be attended with greater success, for they would be in a situation more advantageous to the interests of their religion.

Lord Eldon, who was loudly called for by the House, began by stating his belief, that the ministers, who had introduced this bill, had done so from a sense of duty towards the country. They might likewise have judged it necessary, under the circumstances, to make it a matter of surprise; but, be the reason what it might, the fact he would insist was, that the people of this country had been taken by surprise with this measure, which they conceived, and justly, affected their dearest interests in this world, and their best property. When this question was discussed in this House last session, the noble duke

stated, in reference to Ireland, that that country was "in such a state of agitation, that the question should for a time be consigned to oblivion." It happened afterwards, by a whisper, for he would call it nothing else, that the letter of the noble duke to a Roman Catholic prelate was the means of giving some information to the world, as it was then considered. This took place in December last, and that letter stated, that it was not the noble duke's intention at that time to bring forward any measure of this kind, and that Ireland must cease to be in a state of agitation, before he could do so. Now the publication of this letter was a great misfortune to the people of this country; for it led them to sink into a state of apathy, generated by the persuasion that no measure would be brought forward at any rate this session. This was the case also in consequence of what passed in other places, where the Secretary of State for the Home Department had been visiting last summer; and that right hon. gentleman's name, said lord Eldon, "I mention without the slightest feeling of irritation. If there be any unfavourable impression on his mind towards me, from thinking, perhaps, that the old maxim, '*Idem velle, idem nolle*,' is the foundation of all true friendship, both in public and private life, I solemnly declare, that I suffered the most excruciating pang I ever endured, when I found that I differed from him on this question. During the last fifteen years I had most effective support in the concurrence of my opinions with those of that right hon. gentleman. I do not doubt that it has happened, from his feelings of duty, that he has thought himself bound to change

his opinions, and act on another system; and while I state that with respect to him, I hope he will admit, with respect to me, that, if I have not changed my opinions, it is because I think my duty to my king, to my fellow-subjects, and to my country, requires that I should not do so. But though I cannot change, yet I have been reproached with inconsistency. The lord chancellor has found himself called to the difficult task of explaining or defending his own consistency. And how did he set about shewing that lord Lyndhurst had been consistent?—why, by trying to prove that lord Eldon had been inconsistent! I have read the speech of the attorney-general—not the late attorney-general (sir C. Wetherell), who, I must say, is one of the most learned, most honest, and what is far better, the most independent men in the profession to which I have the honour to belong—but of the attorney-general who preceded him (lord Lyndhurst). I have also read the speech made by the noble and learned lord on the woolsack only so lately as in June last. Now I ask him, whether he will not be reproached for his inconsistency, unless he can account for any difference of his conduct yesterday and in June last, and when he spoke as attorney-general in the House of Commons the year before? If I say that the constitution was completed when the Test and Corporation Acts were passed, that very doctrine I learned from him in those speeches. If I think there can be no security in concession, the able and satisfactory reasons I can urge are derived from those speeches of the noble and learned lord. I am now approaching that period of life, to which

no man can look forward without some feeling of regret: four score years will soon be completed by me, and at that stage of human existence there is indisputable authority for expecting nought but sickness and sorrow; but this I will say, that I trust, such at least has been my conduct, that I may listen without self-reproach to all that can be said affecting my character. I cannot, however, bring myself to that degree of apathy which would enable me to hear my accusers without pain. The imputations thrown out against me I will not repeat: I will not expose myself to the agony I should feel were I to repeat them. I am confident that I do not deserve them, and, speaking in the presence of peers and men of honour, they will give me credit for not deserving them."

But, coming to the measure itself, he must say, once for all, that he did not mean to rest any part of his opposition to the concessions now proposed, on the Coronation Oath. Whether or not his majesty could assent to such a measure, regard being had only to that sacred obligation, was a question for his Majesty's decision, and they might be sure he would decide it conscientiously; neither would he contend that to alter any of the laws enacted at the Revolution was beyond the competence of Parliament. He maintained this, however, that, looking at the 13th, 25th and 30th of Charles 2nd, the exclusion from parliament, produced by the last of these statutes, was in conformity with the true construction of the acts of 1688, and with the Act of Union with Scotland, too, in the reign of Anne. These were meant to be the ruling and

governing principles of the constitution, until a strong necessity for altering it should be made apparent. If the good of the nation required a change, a change might be made; no man denied it; but the necessity must be established, and there ought to be no strong and reasonable apprehension for the consequences. The constitution of 1688 was the pride and glory of the country: they could not make an alteration in it, without altering, in some degree, the notions of the people as to its excellency. To produce doubt, alarm, and discontent among the people, was a practical evil, which it was difficult to counterbalance by any theoretical good. The people justly regarded the constitution of 1688 as the foundation and bulwark of their freedom. If a part were changed, they might change the whole, and that change they dreaded. If they preserved a Protestant King, a Protestant House of Peers, a Protestant House of Commons, and a Protestant executive government, they certainly might make alterations in the system, which might afford better securities than they had yet possessed for the Protestant religion. But what were the securities now tendered? They were of two kinds—first, those which belonged to the change, as it might operate upon the minds of the Roman Catholics; secondly, those which were connected with the bill itself, and the other measure by which it was attended. First they had passed a law to put down the Catholic Association; and he agreed that it was due to the dignity of Parliament, and the natural impulse of the great mind of the noble duke, that no concession should be made while that As-

sociation existed. With regard to the Disfranchisement bill, he held it to be a measure of the utmost moment, and he was far from denying the competence of Parliament to pass it. But, as a security against the dangers which he apprehended, neither that measure, nor the precautionary clauses of the one then before the House, were, in his mind, anything else than a mere nullity. They were told that only six or seven Roman Catholic peers could be admitted into this House; and of what consequence could such a number be in the decision of any question? "But suppose that we should have a sovereign on the throne, who like Charles 2nd, was in reality a Papist, though professing himself a Protestant, what is to prevent him from introducing as many Catholic peers into this House as he pleases? I do not mean, however, to concede, that half a dozen Catholic peers in this House would not make a very great alteration in its constitution, or that it is a small number as respects its votes. Several great measures have been carried in this House by even a smaller majority. It is said, also, that probably but a few—some 30 or 40—Roman Catholics may be admitted into the other House. I contend their introduction may be productive of very great effects, if they be active, as respects majorities in that House; but, let me ask, is there no other mode of obtaining seats in that House but by the suffrage of freeholders? The bill itself is one to which I feel the strongest objection, because, if your lordships look into its provisions, you will find no bill was ever more incautiously or delusively penned. It provides in no shape for that advice which may be given by the

ministers of the Crown, who may, all but one, be Roman Catholics. If there should be but one or two Protestant ministers, I cannot see how they can maintain their opinions; and perhaps on the maintenance of their opinion might depend the maintenance of the Protestant constitution. I cannot see that in such a ministry there is much probability that an effectual opposition would be made to the measures of such ministers by a Protestant lord chancellor; because I can very well see, that a Protestant lord chancellor may be very much under the influence of a powerful prime minister. Your lordships have heard a great deal about oath-making and oath-taking. You have heard of the oaths required by the act of Henry 8th, relative to the king's supremacy, and subsequently by that in the time of Elizabeth; but I shall carry you back to acts more than a century preceding. Magna Charta itself, which so distinctly maintained the king's supremacy as necessary to protect the throne and the people of this country from the encroachment of Papal authority, grew out of, and was only a constitution founded on those liberties which were derived from our Saxon ancestors. You owe these guards of the king's supremacy to provisions which are centuries older than the period of Elizabeth, and the provision *ut leges Angliæ sint liberæ*, was made as much on behalf of the civil and religious liberty of the people of this country, as on behalf of the Crown's supremacy. It was neither less nor more than a resolution protecting the Crown from the consequences of having the allegiance of its subjects transferred to the Papal See.

Lord Hale, in speaking of the

king's supremacy, affirms that the old Oath of Allegiance included in it that of Supremacy, and that the obligation of both is complete: he further adds, that to say the Pope has any power in this country is contrary to the Oath of Allegiance; and he distinctly says, that by that oath the Pope is shut out from asserting any supremacy within the realm. That learned person had observed that grievous errors on this head had crept in and made such progress, that it was necessary to repel them, and to let the subjects of this realm know, that the other oath was virtually taken in the Oath of Allegiance. Lord Hale repeats that they, who would fain throw off the obligation of these fetters, must now take the additional Oath of Supremacy. To deny that the king's power is supreme in the state, is neither more nor less than revolution. Your lordships will see, therefore, what sort of security is provided for the church by a bill which proposes to admit persons to a seat in this or in the other House of Parliament, who do not acknowledge the king's supremacy in matters spiritual and ecclesiastic, and who, doubtless, as Roman Catholics, are united in opinion with those who look upon the Established Church as a great grievance and abuse. The oath the bill imposes gives up, by a legislative enactment, the claim of the king, so far, to the duty of his subjects. I, for one, will not agree to sacrifice the supremacy of the Crown to that of Rome, even in religion, by giving my assent to this bill. It is the bounden duty of ministry, looking to the duty the subjects are bound to pay to the sovereign, and looking to the consequences of this measure, not to sacrifice the supremacy of the

Crown. We are told, that by this bill the interests of the Church of England and the established Church of Ireland will be mutually strengthened and secured. If I thought so, I would be the readiest man in the world to vote for the measure. I deny that it will. What has been the tone and temper pursued by the members of that Association in Ireland, which bearded and defied the government of that country, and which has but recently been put down by an act of Parliament? Have they not told you that the Established Church is the obstacle to the tranquillization of Ireland, and is, in fact, the greatest national grievance? The bill is described as necessary to give a new support to the Church of England: this, I suppose, is to supply the place of that which was taken away last session by the repeal of the Test and Corporation acts. Will those, whose abominable proceedings I have alluded to, pledge themselves to defend in future that Church which they have already described, through the mouths of their orators, as the bane of Ireland, and a grievous nuisance? Many of the petitions of last year relative to the Test acts held nearly the same language relative to the Established Church of this country. Are their assertions then, my lords, deserving of credit, or are they not? Or, under such circumstances, can any reliance be placed upon either, as likely to contribute to the support of a Church, which they one and all regard with abhorrence, though for different reasons? It has been stated, too, from a high authority, that, if your lordships were in possession of all that ministers know, you would not scru-

ple to read the bill a second time. I profess I am no friend to legislating or passing acts of Parliament for reasons known only to ministers themselves. I should have preferred that a proposition had been made by the noble duke for going into a committee to examine the reasons for originating such a bill; because it would have been but right that, in a matter of so much importance, your lordships should have known something more of the grounds of that expediency upon which you are called to legislate.

Lord Plunkett said, that he had reserved himself for the purpose of hearing the unanswerable arguments against the bill, which lord Eldon on former occasions had threatened he would produce when the measure was fairly before the House. As that noble and learned lord, however, had brought forth nothing but the *ipse dixit* of his own authority, unsustained either by ingenious argument, by historical deduction, or by an appeal to public and authenticated documents, he felt himself so far absolved from the necessity of refuting anticipated arguments for which he had prepared himself, that he would address his observations more particularly to the position that the bill was calculated to subvert the Protestant constitution. According to lord Eldon, the established principle of the Reformation had been to exclude Roman Catholics from Parliament and from offices; and therefore it was that the Oath of Supremacy was framed. Now the 5th of Elizabeth did not go so far as to exclude Roman Catholics from sitting in that House, and not only was there an exception as to the

House of Peers, but the reason of the exception was stated. The reason was this — because the queen was otherwise assured, not of the religion, but of the loyalty of such Roman Catholics as were peers of parliament. Then the Oath of Supremacy was a test, not of religion, but of loyalty. The members of the lower House were called upon to take the oath. It was the policy of Elizabeth to gain the Catholics; and for that purpose she changed the Articles and the Liturgy of the Church of England, as framed by Edward 6th, and adopted the communion service, to suit the Roman Catholics, and to enable them to join in communion with the Protestants. Passages, containing an express denial of the real presence, were expunged; and for thirteen years after the Reformation did the Roman Catholics take the Oath of Supremacy, and join in communion with the Church of England. They continued to be admitted to all the offices of the state till towards the latter end of the reign of the Stuarts. The Roman Catholics then became suspected, not on account of their religion, but owing to their supposed adherence to the designs of the throne. The throne became first disaffected to the liberties of the subject; and from the reign of Charles 1st the Roman Catholics came to be considered as enemies to the state through their adherence to the king. In a subsequent reign the king himself was a Catholic; and, the throne being thus a convert to their religion, and making inroads upon public liberty, the Roman Catholics became more and more suspected; and, in point of fact, though not of law, they were very generally excluded from Parliament in the

reign of Charles 2nd because the people were prejudiced against them. Till the 25th Charles 2nd, the Roman Catholics had contrived occasionally to get into parliament; and how did the Protestant leaders get them out of the House of Commons, as they took the Oath and Declaration? Why they brought into operation the law against recusancy, which prohibited persons convicted of recusancy from coming within ten miles of the cities of London and Westminster, and thus effectually prevented them from doing duty in parliament. They therefore got a conviction of recusancy, and then called for a new writ. This was a decisive proof that, before the 30th of Charles 2nd, there was nothing to prevent the Roman Catholics from sitting in Parliament. That statute itself contained two enactments,—the first, that Roman Catholics should not sit in Parliament without making the Declaration, and the second that persons not making the Declaration should be excluded from access to the king. There was a third enactment, which banished such persons ten miles from the cities of London and Westminster. This was a law of the land; and what had become of that law? That member of it, which related to the penalties against recusancy, was gone; for all the laws relating to recusancy had been repealed. Then the enactment as to access to the king, that had also been repealed. So here was a limb of this immortal law lopped off; leaving only the mutilated bust of Titus Oates to represent this immortal statute, till the act of William 3rd. He would not pretend that there might not be good reason for enacting it, or that the

Catholics might not be dangerous, or that they ought not to have been excluded from office owing to their adherence to the dangerous designs of the Crown. But what was meant by saying that that law was consummated at the Revolution? Was that act of 30th Charles 2nd incorporated in the Bill of Rights? No such thing. Did the Bill of Rights trouble itself with all the trumpery of the invocation of saints and transubstantiation? No such thing. The framers of that bill thought only of settling the principles of the constitution so far as they had been invaded, and they had not room in their heads for the consideration of such things as these. They scouted such trash and trumpery, whilst they were intent upon securing the rights and liberties of their fellow-subjects, which had been invaded by the Crown. These wise and great men were no system-mongers, no grinders of theories or dogmas, but sound and practical statesmen; and no light toil had they incurred. There were thirteen particulars stated. The Bill of Rights did not say, upon abstract principle, that the Church and State are necessarily Protestant, but it stated—"Whereas it has been found by experience that it is necessary to the safety and welfare of this Protestant kingdom that the throne should be unalterably Protestant;" and it then goes on to enact, that, should the king become a Papist, or marry a Papist, he should thereby forfeit his title to the throne, it being found by experience that such a security was necessary for this Protestant kingdom. He had been asked, whether this was a Protestant kingdom; he had been asked triumphantly, was this not a Protest-

ant government, a Protestant Parliament? In one sense he admitted it was a Protestant kingdom, but it did not exclude Papists. So he admitted that the Parliament was essentially and predominantly Protestant, and in that sense, but in no other, the Parliament was Protestant. The act of 1st of William 3rd forbade Papists to carry arms; this was considered as necessary to the security of this Protestant state. The principle of that act was transferred to the Bill of Rights, which recognized the claim of the Protestants to carry arms, but did not refer to the right of the Roman Catholics to carry arms. Those, who argued by inference, took advantage of this; but it so happened that throughout the Bill of Rights this was the only passage the construction of which was hostile to the Roman Catholics; and this was the only passage in it which had been repealed. It had been repealed by an act of George 2nd, which also repealed the law by which Roman Catholics were forbidden access to the throne. By the law previous to 30th Charles 2nd, no person could be admitted into the army unless he had previously taken the Oath and the Declaration; but by that act, he could take the oath subsequent to taking the commission. Then came the act of William, saying that that provision was not a sufficient security, and that the oath must be taken previously. Then the present law precisely and practically repealed the act of William, for it restored the matter to the state it was in at the period of the 25th Charles 2nd; and the act, for which lord Eldon had told their lordships he was responsible, had taken greater liberties with the Bill of Rights than the noble

duke had done. Their lordships probably had not been apprised, when the act of 1817 passed, that they were repealing the act of king William. The act recited, "Whereas by certain laws now in existence, there were sundry embarrassments in respect to the oaths taken by the army and navy,"—and, in order to clear up doubts, and to assimilate one to the other, it enacted that the oaths prescribed by the former act need not be taken. Thus was there an utter abandonment of the act of William, and that too without providing any oath or security in its stead. The present bill did not give the Roman Catholics any benefit without an oath, an oath too, which combined in its language every possible security that such a form could afford; but under the act of the noble and learned lord, the provisions of king William's act were done away, and not even an oath was substituted in their stead.

The debate was closed by a brief reply from the duke of Wellington. The apprehended danger to the Irish Church, from the admission of a few Catholics into Parliament, he treated as futile, considering that the throne would be filled by a Protestant. Moreover, a fundamental article of the Union between the two countries was the union of the two Churches; and it was impossible that any mischief could happen to the Irish branch of this united Church, without destroying the union of the two countries. "A different topic," said his grace, "to which I wish to advert, is a charge brought against several of my colleagues, and also against myself, by the noble earl on the cross-bench, of a want of consistency in our conduct. My lords, I admit that many of my colleagues,

as well as myself, did on former occasions vote against a measure of a similar description with this; and, my lords, I must say, that my colleagues and myself felt, when we adopted this measure, that we should be sacrificing ourselves and our popularity to that which we felt to be our duty to our sovereign and our country. We knew very well, that if we put ourselves at the head of the Protestant cry of "No Popery," we should be much more popular even than those who have excited against us that very cry. But we felt that in so doing we should have left on the interests of the country a burthen which must end in bearing them down, and further that we should have deserved the hate and execration of our countrymen. Then I am accused, and by a noble and learned friend of mine, of having acted with great secrecy respecting this measure. Now I beg to tell him, that he has done that to me in the course of this discussion which he complains of others having done to him;—in other words, he has, in the language of a right hon. friend of his and mine, thrown a large paving-stone instead of throwing a small pebble. I say, that if he accuses me of acting with secrecy on this question, he does not deal with me altogether fairly. He knows as well as I do how the Cabinet was constructed on this question; and I ask him, had I any right to say a single word to any man whatsoever upon this measure, until the person most interested in the kingdom upon it had given his consent to my speaking out? Before he accused me of secrecy, and of improper secrecy too, he ought to have known the precise day upon which I received the permission of

the highest personage in the country, and had leave to open my mouth upon this measure. There is another point also on which a noble earl accused me of misconduct; and that is, that I did not at once dissolve the Parliament. Now I must say that I think noble lords are mistaken in the notion of the benefits which they think that they would derive from a dissolution of Parliament at this crisis. I believe that many of them are not aware of the consequences and of the inconveniences of a dissolution of Parliament at any time. But when I know, as I did know, and as I do know, the state of the elective franchise in Ireland,—when I recollected the number of men it took to watch one election which took place in Ireland in the course of last summer,—when I knew the consequences which a dissolution would produce on the return to the House of Commons, to say nothing of the risks which must have been incurred at each election,—of collisions that might have led to something little short of civil war,—I say, that, knowing all these things, I should have been wanting in duty to my sovereign and to my country, if I had advised his majesty to dissolve his Parliament."

On the division, the same House of Peers, which, in the summer of 1828, had declared, by a majority of 45, that emancipation was too manifestly a breach of the constitution, and dangerous to the Protestant establishment, to be even discussed, now declared, in the spring of 1829, by a majority of 105, that it was altogether consistent with the constitution, and, if it did not do good, would, at least, do no harm, to the Protestant church. The numbers

were for the second reading 217, against it 112; a majority much greater than the country had anticipated, and furnishing the best proof how actively and successfully the substantial influence of government had been directed.

On the 7th and 8th of April, the bill passed through a committee, in which, as in the Commons, many amendments were moved, but not one was carried. On the 10th of April it was read a third time, after another debate, which produced nothing new, and which terminated in the bill being passed by a majority of 104; 213 peers having voted for it, and 109 against it. On the 13th of April it received the Royal assent.

Ministers of course had assured themselves of that assent, and it was their duty to do so before bringing forward the measure; the difficulty of obtaining it, and the late period at which it was obtained, were always put forward by the duke of Wellington as the causes of that delay on the part of government in announcing their intentions, which looked so like an arrangement to take the Protestant community by surprise. Besides the objections which his majesty was understood to have always entertained to the measure or principle, it appeared, from the communications between the ministers and the lord-lieutenant, subsequently made public, when the recital of the latter was mentioned in the House of Peers, that the king had felt strongly the indignities cast upon his government, by the proceedings of the agitators, and by the connivance, which allowed them to be continued with impunity. On the 11th of November (1828), the duke of Wellington, in a letter to

the lord-lieutenant, after referring to those measures of the viceroy which were considered to betray a friendly and encouraging inclination towards the Association, said "I cannot express to you adequately the extent of the difficulties which these and other occurrences in Ireland create, in all discussions with his majesty. He feels that in Ireland the public peace is violated every day with impunity by those whose duty it is to preserve it, and that a formidable conspiracy exists, and that the supposed principal conspirators—those whose language and conduct point them out as the avowed principal agitators of the country—are admitted to the presence of his majesty's representative in Ireland, and equally well received with the king's most loyal subjects." His grace added, in a subsequent communication of the 19th November, "I might have, at an earlier period, expressed the pain I felt, at the attendance of gentlemen of your household, and even of your family, at the Roman Catholic Association. I could not but feel, that such attendance must expose your government to misconstruction. But I was silent, because it is painful to notice such things; but I have always felt, that, if these impressions on the king's mind should remain, and I must say that recent transactions have given fresh cause for them, I could not avoid to mention them to you in a private communication, and to let you know the embarrassment which they occasion." In a still earlier communication, dated 28th September, the duke of Wellington told the lord lieutenant, that the Catholic question was "a subject of which the king never hears

or speaks without being disturbed." Of the reluctance with which his majesty, therefore, was brought at length to consent to the introduction of the bill, no doubt could be entertained. The duke of Wellington admitted, that his efforts to obtain that consent had been continued during the summer and autumn ; and it was pleaded as the excuse for the short notice, on which the measure was proposed, that that consent had been wrung from the king only a few days before Parliament met in February. His majesty's resistance, therefore, had been long and firm ; it was not wonderful that he should at last have yielded to the representations daily urged by those in whom he most confided, that a continued refusal could have no other effect, than to keep one part of his empire in misery, and expose the whole to rebellion—it might be to dismemberment. No room was left for counteracting the views thus assiduously pressed upon the

royal mind ; for the knowledge of what was going on was carefully confined to the operators themselves ; nor was it ever made known to those who might have interfered, that interference was necessary, till it was found that his majesty's consent had already been extorted, and that interference came too late. That consent enabled ministers to bring forward their plan fortified by the approbation of the Crown ; that approbation, and their own influence, enabled them to command the majorities by which they carried through a measure, acknowledged by themselves to be a sacrifice to what they thought expedient, of what they had ever held to be right and constitutional, and which they admitted to be so heartily disliked by the country, that they claimed merit for having given up to what they termed a sense of duty, not only all political connections, but even the approbation and esteem of the public.

CHAP. V.

Bill for the Disfranchisement of the Forty Shilling Freeholders in Ireland—Mr. O'Connell claims to sit under the new Act—He refuses to take the Oath of Supremacy, and is heard at the Bar—The House resolves, that he must take the Oath of Supremacy, and orders a new Writ for the County of Clare—The Marquis of Blandford moves Resolutions in favour of Parliamentary Reform.

THE bill, which admitted Catholics to the Houses of Parliament, and to all offices of political power and trust, had been accompanied, throughout its whole progress, by another bill for disfranchising the whole body of forty-shilling freeholders in Ireland, and raising the qualification of an elector to 10*l*. The object in view in this regulation was, to free elections from that absolute control which late experience had shewn could always be exercised over them by the influence of the Catholic clergy on these miserable Catholic voters. In the alarm, which that control had excited, is to be found one main cause of emancipation having been made a government question. Irish members began to tremble for their seats; the right of voting seemed to have been transferred to the priesthood and the Association; to mount the hustings, and refuse to pledge yourself to support the Catholic Question, was to ensure defeat in your election. Mr. Dawson, brother-in-law of Mr. Peel, was the first who sounded in Ireland the note of approaching concession; and members themselves could not but see, that unless some remedy were applied, they would have no power, however strong their

interest might be, in the Irish elections. The remedy which they sought, lay in diminishing the number, and increasing the respectability of the voters. The forty-shilling freeholders had been manufactured by the landlords themselves, for no other purpose than to create votes which should be at their absolute disposal. The instrument was a powerful one; but it had now passed into abler and more energetic hands; it was wielded against themselves by a power, to which, from its nature, they could oppose no successful resistance. They could not regain possession of the instrument: it was resolved, therefore, to destroy it. Ministers, however, believed that it would be ungracious to attempt, and impossible successfully to carry through, so important a change, as the depriving a great portion of the population of the highest political right which the constitution bestows, without giving a great political boon in return. They admitted, that to raise the qualification would be an efficient remedy, and that Parliament was competent to apply that remedy; but they would not ask Parliament to apply it, without providing a substitute, in the form of unlimited emancipation, for the political privilege which was to be

abolished. The two measures were to support each other. To one party it was to be said, emancipation is the only condition on which we will agree to disfranchise; and to the other, disfranchisement is the only condition on which we will agree to emancipate.

Mr. Pèel accordingly opened the intended measure, as part of the general plan which government had formed for the renovation of Ireland, in the same speech with which he introduced the Relief bill. A bill, he reminded the House, had been agreed to in 1825, which disfranchised all the forty-shilling freeholders, although it had failed in consequence of the failure of another measure with which it was connected; and since that time, most important events had occurred bearing on the same question. In 1825, the friends of Ireland had been convinced that the franchise stood upon grounds, and was exercised in a manner, which were open to the greatest objections. It was urged as an objection to the then and present low state of the qualification, that it admitted of too indiscriminate an addition to the voters—that it increased the natural disposition of Ireland, or rather of Irish landholders, to divide their land into minute portions—that, in point of fact, the franchise was a mere instrument with which the landed aristocracy exercised power and control over the elections—that the freeholders were made for that purpose—that they were totally different in character from the freeholders of this country, and were considered in no other light than as a means by which landlords—and the landlords in Ireland were chiefly Protestants—exercised

influence in the elections of the country. Since then it has been made matter of complaint, that the influence of the landlord has been paralyzed, and that that of the priests has stepped in, and diverted and taken from the landlord that influence and authority which he exercised over the electors, “I will ask, whether the influence, which has superseded that of the landlord, is less objectionable than that which was found to be in 1825. It is in vain for any man, who looks to what has taken place in Louth, in Monaghan, and Clare, to deny the fact of that influence being now in the hands of the priesthood.” Looking at the other circumstances of the country, the very number of the voters proved that they were not the fruit of any natural constitutional growth. In the year 1820, there were polled at contested elections in the county of Bedford, 4,000 voters; in Berkshire, 2,270; Devonshire, 6,298; Durham, about 3,800; Glamorganshire, 1,284; Middlesex, 10,000; Sussex, 5,500; and Westmoreland, about 4,370. In many of the Irish counties there were polled from 10,000 to 18,000. Never was such a concurrent body of testimony brought to bear upon one point, as was given before the committees of both Houses in 1825, respecting the evils arising from the state of the franchise in Ireland, by every man who was examined, Catholic or Protestant, layman or ecclesiastic. The general opinion of the witnesses so examined had been in favour of raising the franchise to 20*l.*; but so great a rise he would consider too violent an alteration, and was inclined to be satisfied with 10*l.*, as affording a reasonable presumption that the character of

the voters would be raised. It would be necessary to determine upon some specific mode of ascertaining who were 10*l.* freeholders—some tangible mode of ascertaining the real character of the freehold. For this purpose it was proposed, that, after the passing of the bill, a day should be fixed in every county in Ireland, for the purpose of opening a *bona fide* registration of 10*l.* freeholds. At present the right to vote did not accrue until twelve months after the date of the registry. This seemed to be an unnecessary restriction of the individual right, and it should in future accrue in six months instead of twelve. On the assistant barrister was to devolve the duty of registering these freeholds, and of making every inquiry which the nature of the application might appear to him to require. The exercise of this power was to be checked in two ways. If the right to vote was denied, the party should have the benefit of an appeal to the next assizes, and of a decision by jury, upon the right which he sought to establish. It should be always open to the freeholder to produce fresh evidence. Leases for life, and the tenant-laws of Ireland, were to remain unaltered; all that was to be done was, to raise this nominal forty-shilling freehold to a real 10*l.* franchise. Neither was this restriction to be extended to corporate towns; that would not be quite fair, while the right of the corporations to make freemen was left undiminished. Were the freehold franchise within their jurisdiction raised to 10*l.*, a corporation could overpower the public voice by the exercise of their right to make freemen.

The bill founded on these principles went on *pari passu* with the Relief bill, and encountered far less opposition. From the opponents of emancipation it met with none; for the placing of the elections beyond the control of the clergy was a measure which they themselves had desired. The whigs, properly so called (for there was now at once a splitting and a coalescing of parties, which almost deprived words of their power to discriminate and describe) supported it, hostile as it was to popular rights, and destructive of vested political franchises, as an essential part of a whole, the other, and what they thought, the better part of which they were unwilling to lose. Mr. Brougham said, he consented to it, "as the price—the almost extravagant price—of the inestimable good which would result from the other;" and sir James Mackintosh described it as one of those tough morsels which he had scarcely been able to swallow. It did not pass, however, altogether unresisted—Lord Duncannon, lord Palmerston, Mr. Huskisson and some others opposed it, as a measure not called for by any necessity, and not fitted to gain that object which alone was held out as justifying it. It was said that it was absurd to allege, as a pretext for it, the influence and conduct of the Catholic priesthood; for all, who knew any thing of that influence, knew that it was chiefly felt when it ran with the current of popular feeling, and that it was ever exercised with a view to maintain submission to the laws. If the forty-shilling freeholders had been corrupt, like those of Penryn, their disfranchisement might be defended; but the only offence of the persons, against

whom the bill was directed, had been, that they exercised their privilege honestly and independently, according to the dictates of their consciences. The Relief bill was a great good, demanded equally by justice and expediency; yet it was plain enough that, but for the independent exercise of their privilege, by the forty-shilling freeholders of Louth, Waterford, and Clare, that great good would never have been heard of—expediency and justice would have called in vain. Yet they were to be punished for effecting that, which the very men, who proposed the punishment, declared to be a great public blessing. If landlords in Ireland had been too prone to subdivide their estates, with the view of obtaining political influence (a statement which, it was alleged, was not borne out by facts), that was an evil which might safely be left to cure itself. The subdivision of property in Ireland depended mainly on the state of society in that country; and any sudden attempt at consolidation in a country, where there were no manufactures to afford employment to the superabundant population, could be productive only of extensive misery. In Ireland, the population of which was seven millions, there were only thirty towns which contained more than five thousand inhabitants; whilst in Scotland, whose population was but two millions, there were thirty-three towns containing more than five thousand inhabitants. It was in vain to endeavour, by arbitrary enactments, to anticipate the progress of society. Neither would the bill effect its object. They knew little of Ireland, who thought that the mere raising of the registry to 10*l*. would do away with fraudulent and fictitious votes. If the

bill were passed, and a 10*l*. yeomanry established, could they be compared with the substantial yeomanry of England? It would soon be discovered that the 10*l*. yeomanry were of too low a denomination, and that it was necessary to raise the qualification to 20*l*.: and indeed it would be difficult to know at what point to stop. The House had been told, indeed, in language which could not be misunderstood, that on the success of this measure depended the success of the Relief bill; but it was denied that Parliament had made any such bargain with the government. In the speech from the throne, Parliament had been told that the price required for Catholic emancipation was the immediate and summary suppression of the Catholic Association. That was the only bargain which Parliament had made with government; and, the price demanded having been paid, it was impossible, in the event of the bill before the House being defeated, for government to turn round and refuse to fulfil its part of the bargain. It was absurd to suppose that government could withhold emancipation. Neither this government, nor any that might succeed it, could do so. What had induced the present government to advocate emancipation? State necessity, and that necessity had not been weakened during the last three weeks. Such a compromise was the less justifiable, as the object said to be in view could be equally well secured in another way. That object was to get *bonâ fide* voters. Now what objection could there be to a *bonâ fide* forty-shilling freehold, or what difficulty in obtaining it? They could as easily regulate the forty-shilling franchise, so as to render it a *bonâ fide* one, as they



could the 10*l.* freeholds. Turned to such a purpose, such an act would do a great deal of good. The machinery of the present bill, brought to bear on the forty-shilling freeholders, would do away with fraudulent voters—and that was all that, ostensibly at least, was sought after. At all events, however, the bill ought to have been only prospective; by disfranchising the present freeholders, you inflict an injustice, which was only a degree short of depriving these men of their freeholds, that is, of their property. Was this the mode of proceeding, even where acknowledged abuses had occurred? And whence this distinction, so unfavourable to Ireland? Was it either the duty or the practice of Parliament to dispossess persons of their rights and take away the property itself, before endeavouring to correct the abuse. Was there no instance of such abuses in England? Hon. members might recollect the election in Middlesex some twenty years ago, and the scenes which had then taken place; when a mill at Brentford had been split into a hundred votes. Who had ever thought at that time of meddling with the elective franchise of the people of England? let gentlemen call to mind the elections of Westminster some forty or fifty years ago—the perjuries, and corruptions, and bribery, and breaches of the peace; yet who thought of interfering with the franchise of the people of England? It had been objected that the votes in Ireland were not derived from property in fee; and how many members were there in that House whose property was not in fee? Many electors held only a life-interest in their property; and in many places,—Sussex, for

example,—votes were created by the purchase of 40*s.* worth of land-tax, which was not purchased for the profitable employment of capital, but solely with a view of obtaining the elective franchise. How could the House resolve to dispossess persons of their property, especially when the abuse, which was to be considered the ground of the measure, existed elsewhere?

Vested rights of another description were regarded; there was scarcely a professional adviser of the Revenue board, who did not consider his emoluments as vested rights. Perjury at elections no doubt, ought to be remedied. But when honourable members talked of perjury in Ireland, why had they not some feeling for the perjuries committed in corporations? The forty-shilling freeholders of Ireland might be entitled to a lenient consideration. Some of these individuals might not understand the true construction of the law. They might suppose, that, if they were unwilling to part with their freeholds for 40*s.*, they were, therefore, worth so much in the eye of the law; whereas, in corporations and borough elections in England, a man would swear that he had not received a bribe, whilst he knew that it was promised, if not received, and that it would be regularly paid when the period of danger had expired. The bill, in short, might be very advisable—the fixing 10*l.* as the lowest point of the franchise might have been very proper—if Ireland were a new country, to which a qualification was to be extended for the first time; but in its present character, abolishing freehold franchises which had so long existed, it was a partial, unnecessary and un-

justifiable attack upon the rights of property.

To this it was answered, that, beyond all doubt, the Irish forty-shilling franchise had not been beneficial to its possessor, and had been most detrimental to the country in which it was exercised. From it had sprung the splitting of the lands into small farms, the excessive increase of the population, the general squalor and wretchedness of the country. At no time since 1798 had these freeholders been their own masters. From 1793 till 1825, they had regularly been driven by their landlords, at elections, to the county town, and looked up, till they gave their votes for his candidate. Since 1825 they had been equally the creatures of the priests against the landlords. The former had proved the more powerful interest; and it was an interest against which, knowing as we now did what it could effect, it was both fair and necessary to provide an adequate security. Neither was there any real hardship imposed. We were about to give the Roman Catholic a great compensation; he was now under a stigma of exclusion and humiliation; we were about to say to him, we will place you upright in your free and natural position; and, in return for a concession such as this, we were entitled to demand his ready acquiescence in a measure like the present. In acting thus, we did not consent to place the present measure on the ground of a penalty directed against the Roman Catholics. It was not an exclusive penalty; the fact was, if it were a penalty towards any, it was an equal penalty towards all. It would affect Protestant and Catholic alike. But, on the subject

of penalty, if we took the case of any one Roman Catholic forty-shilling freeholder, who had registered his privilege in compliance with the directions of his landlord,—of one of these marksmen, who could not write his name,—if we looked at the individual loss that would be sustained, we should find that it could not be very great. Mr. Peel mentioned the following instance of the power of the priests as having occurred at the Clare election. At the commencement of that election, a landlord of the county had promised what was called his interest to Mr. V. Fitzgerald; the landlord had a voter on his estate, who was under great personal obligations to him, and previous to the commencement of the contest, he said to this voter, “I shall vote for Mr. Fitzgerald, I suppose you mean to do the same.” The man was only astonished at the implied doubt which his landlord’s mode of expression appeared to convey, and declared his determination to imitate the example of his patron at the approaching election. Well, as the struggle grew nearer, a degree of excitement was produced to which it was only necessary to allude: the freeholder did not escape its effects—he came to his landlord with 60*l.* in his hands, and addressed him thus:—“I have saved this sum while your tenant, and upon your property. I cannot redeem the promise which I gave you, there—take the 60*l.*, make use of it to promote the interests of Mr. Fitzgerald, but my vote I must give to O’Connell.” Could any thing be so painful as the situation of him who was obliged to perform such a part—to observe such a doubtful contest between his religion and his con-

science? The bill was calculated, when carried into effect, to raise up a real, substantial, independent yeomanry in Ireland, and rescue the forty-shilling freeholders from the consequences of such conflicts. These grounds should not be omitted in a consideration of the question; but at the same time it was certain, he admitted, that except we were able to promise a satisfactory adjustment of the Roman Catholic question, there was not the least chance of this measure being listened to. It would have been impossible to withdraw existing privileges, however they might have been abused, without offering a compensation, by granting the enjoyment of beneficial and legitimate power, in lieu of the dangerous and illegitimate power which was proposed to be taken away.

Only seventeen members voted against the bill; and even in Ireland no loud expression of opinion was heard against it. The Association had ceased to sit. O'Connell, who had publicly bound himself to reject even emancipation, if accompanied by such a condition, and to perish in the field, or on the scaffold, in defence of the freeholders whom he affectionately denominated his "forties," had forgotten all his vows, and became silent and acquiescent.

His own claims were the next thing that excited attention; they were asserted with much more vivacity, though not with greater success. At the time of the Clare election, he had assured the people that he was entitled to sit in Parliament without taking the oaths which no Catholic could take; on this he had staked his professional reputation, and given assurances that he held other

learned opinions to the same purport. His return had been petitioned against, on the ground of his being a Catholic; but the committee, to whom the petition was referred, had reported that he was duly elected. They could come to no other conclusion. The law did not say that a Catholic might not be elected; it only said that no person elected should be capable of sitting, unless he took certain oaths, which oaths involved an abjuration of popery. If a person, known and believed to be a Catholic, could bring himself to take these oaths, and abjure his religion, he was entitled to take his seat. Mr. O'Connell had not made the attempt under the old law: prudent advice had kept him back from a proceeding which would have been irritating in itself, and which must either have been desperate, or if successful, would only have proved practically that the Relief bill was unnecessary; since, even under the law which it was intended to alter, Catholics were not excluded from Parliament. The new act did not seem to forward his pretensions. The oath, indeed, which it substituted for those that were abrogated, could be taken by a Catholic as well as by a Protestant; but then that provision was expressly limited to the case of "any person professing the Roman Catholic religion, who shall *after the commencement of this act be returned* as a member of the House of Commons." But Mr. O'Connell had been returned long before the commencement of the new act. His claims had arisen under the old law, and by that old law they were to be decided.

This seemed to be plain enough; but Mr. O'Connell and his friends

took a different view of the statute. By the first clause, all the provisions of former acts requiring the declarations against transubstantiation, and the invocation of saints, were declared to be repealed "from and after the commencement of this act." They held, therefore, that from the moment the bill received the royal assent, there was an end to the power of administering any of these oaths, or demanding any of these declarations which then stood repealed. The only existing oath, thenceforward, was the oath contained in the new law; the House of Commons could tender no other, for the legislative authority of all others had perished. Mr. O'Connell, therefore, would be entitled to take his seat, because he would be willing to take the only oath which, in this view, the House was entitled to administer.

Accordingly, on the 15th of May, Mr. O'Connell, when the House met, came forward to the table to be sworn, accompanied by lord Ebrington and lord Duncannon. The clerk produced the oath which had been repealed by the late act, and a brief conversation thereupon took place between them, which the clerk communicated to the Speaker, who immediately addressed the House: "It is my duty to state, if I have been correctly informed, that the course, which the honourable member has proposed to take, is a course which, until overruled by stronger authority, I do not conceive it my duty to acquiesce in. I understand that he proposes to take the oath prescribed to be taken by Roman Catholics, as it is to be found in an act of parliament recently passed. As I read that act of parliament, it is my impression—and on that impression it is my

duty to act—that it involves two points relative to the course to be pursued in taking seats in this House. The first point is that of repealing the declaration against transubstantiation;—the other, that of appointing an oath to be taken by such members of this House as profess the Roman Catholic creed; but with this condition, that those members should be returned subsequently to the passing of the act. Now, the honourable member was returned, as the House is well aware, long before the passing of this act. I have, therefore, only to refer to the law affecting all the members of this House until the late act passed; and, with the single exception of repeating the declaration against transubstantiation, I have to state, that the construction which has been uniformly put on the law of the land, and which has been repeatedly sanctioned and confirmed by act of parliament, is, that every member, before taking his seat, shall take the Oath of Allegiance and Supremacy before the lord steward, and the oath of abjuration at the table of this House. This is the course, which by law the dignity and the privileges of this House require. I state this the rather, because it is well known that this House is open to an appeal by petition, or it may be brought forward by any member in this House. In that case, the House will be better able to judge, and to state its opinion of the propriety of the conduct which it appeared to me to be my duty to pursue. I therefore state to the hon. gentleman, that he must withdraw."

Mr. O'Connell having withdrawn, Mr. Brougham moved, that he should be called back, and heard

at the table in support of his claim to be admitted on taking no other oath than that contained in the late act. It was clear that Mr. O'Connell must be heard somewhere, by himself, or by his counsel. Whether he should be heard at the table, or at the bar as a petitioner, was of less importance—though not unimportant—but heard he must be, and there were precedents which showed that he was entitled to be heard at the table. There was the case of sir Henry Monson, which occurred on the 13th of February, 1689, and also that of sir Michael Fanshawe, who appeared, one after the other, at the table of the House. Sir Henry Monson was called on to take the oath, but would not. A discussion then took place, and the result of that discussion was, that the Speaker called sir Henry Monson in, by direction of the House, and asked whether he had any objection to take the oath. He stated, in answer, that his feelings on the subject were of a nature personal to himself, and not tending to disturb the settlement. It appears from the report of the parliamentary debate, that sir Henry Monson spoke at least three sentences in explanation of his reasons for refusing to take the oath. The House was not satisfied, and he was directed to withdraw; and, after consideration, the question being put, his seat was declared vacant, and a new writ was issued. The case of Mr. Archdale, which occurred some years afterwards, is another precedent. He stated, in a letter to the Speaker, his reason for not taking the oaths. He was called on to attend and explain his reasons. He did so, and he was then directed to withdraw. The same thing happened in the

case of lord Sandford. The time which they occupied in explanation was of no importance. It was sufficient that the several individuals, in these cases, were heard—previously to being ordered to withdraw.

Mr. W. Wynn, who was clearly of opinion that Mr. O'Connell was entitled to be heard at the bar, and that it made no difference whether he was heard there, or at the table, referred likewise to the case of Mr. Wilkes. That gentleman having been returned, the House would not receive him, and declared that he was incapable of sitting in Parliament. He presented a petition to the House, complaining of a breach of privilege as a member of Parliament, and the House resolved to hear the petitioner make his defence. He asked the House, "whether, situated as he was, he would not incur the penalties prescribed by different acts of Parliament, if he came to the House for that purpose?" and the Speaker said, "It has been customary for a petitioner to state the allegation of his petition without taking the oaths; and in so doing, he is not guilty of any offence within the intent and meaning of the acts." It was the same thing here. Every individual having a wrong to be redressed, should be heard either at the bar, or at the table. In his opinion, however, it would be much better to adhere to the former course.

Mr. Peel, again thought there was a very great and manifest distinction between hearing the applicant at the table, and at the bar, and that he had no right to be heard at the table; but, as it was a point of some importance, as well as nicety, the debate was adjourned till the following Monday, the 18th.

On that day Mr. Peel stated his opinion, that the House ought to hear Mr. O'Connell, but only at the bar. Mr. Brougham was satisfied that he should be heard; and although there were precedents for hearing a member in the situation of Mr. O'Connell at the table, as well as at the bar, he considered the difference, on the present occasion, at least, of too little moment to justify any farther discussion. It was therefore ordered, on Mr. Peel's motion, "that the member for Clare be heard at the bar, with reference to his claim to sit and vote in the House of Commons without taking the Oath of Supremacy."

Mr. O'Connell then appeared at the bar, and delivered an elaborate argument in support of the right which he claimed. He maintained first, that the Act of Union with Ireland entitled him to sit without taking the Oath of Supremacy; secondly, that the act lately passed entitled him to sit without taking the Declaration against Transubstantiation. Thirdly, he claimed, under the spirit and effect of the new statute, to sit without taking the Oath of Supremacy; and fourthly, he claimed, under its positive enactments, to sit without taking any other oath than what was therein contained.

On the first point, the effect of the Act of Union, his argument was, that although by that act, oaths were appointed to be taken, no pains or penalties were imposed in the event of a person sitting without having taken them. It was the 30th of Charles 2nd, which required the Oath of Supremacy to be taken, and introduced, for the first time, the Declaration. That statute was guarded with severe penalties, and the conse-

quence of a refusal to take the oaths was declared to be the vacating of the seat. Under that statute, he admitted, he could not have taken his seat. But the statute of Charles, he maintained, a statute made in the English Parliament, did not operate on the present Parliament. Nothing could operate in this case but the Act of Union with Ireland, or some act passed subsequently to the Union. Now the Act of Union, though it certainly directed the oaths to be taken, contained no pains or penalties for not having taken them. He could not concede that the House, acting, as in this case it must act, in its judicial capacity, was entitled to supply what the statute had omitted, and guard the mere direction of the Act of Union by introducing as a penalty a disqualification to sit, which was not to be found in the act itself.

Next, he argued, that even the mere direction in the Act of Union that the oaths should be taken, guarded as it was by no sanction or penalty, had been repealed by the Relief bill recently passed.

The words of the Act of Union were, "That every Member of the House of Commons, in the first and all succeeding Parliaments, shall, until the Parliament of the United Kingdom shall otherwise provide, take the oaths, and make and subscribe the Declaration, and take and subscribe the oath now by law enjoined to be taken, made, and subscribed." This provision was limited to a particular period: it was limited till something should happen, viz. till Parliament should "otherwise provide"—whenever Parliament *should* "otherwise provide," then the direction of the Act of Union was at an end. But this event, which by the very

terms of that act were to put an end to its operation, *had* arrived. By the bill of this session, now possessing the force of complete law, Parliament *had* "otherwise provided." The old oaths, renewed in the Act of Union, had been swept away; a new oath had been introduced in their place. The event, therefore, contemplated by the Act of Union, when its operation should cease, had arrived; and if he was thus freed from it, he was freed from the only enactment under which he could have been called on to take the Oath of Supremacy, and subscribe the Declaration. He was entitled to take his seat, as if the Act of Union *quoad hoc* had never existed.

Again, on the fair and true construction of the Relief bill itself he was entitled to take his seat. By the second section, the right of sitting, on taking the single oath there set down, was extended to all Catholics being peers, and all members returned, after its commencement, to the House of Commons. The provision as to peers was useful in finding out the true meaning as to commoners. Between the 30th of Charles 2nd, and the present time, two Catholics had been created peers, viz. the earl of Kenmure and baron French. They had been created peers, when it was impossible for them to exercise the rights of the peerage by sitting in Parliament. As peers, they stood in the same relation to the new act with members returned before its commencement. Yet undoubtedly, under this clause, they would be entitled to take their seats. Must not the true meaning be the same in relation to commoners? Must not the rights and privileges of the people be held to have as full effect under the

second branch of the clause, as the king's prerogative under the first? But at the very worst, if the words, any Catholic who shall be "returned as a member of Parliament after the passing of the act" did not include his case, and expressly admit him, beyond all doubt it did not expressly exclude him, or put a negative on the right which he was now claiming. It did not touch him at all; and his right, on the grounds which he had already stated, to sit without taking the oaths, remained uninjured by any thing this clause contained.

Lastly, he claimed this right, under the express words of the late statute itself. The 10th section was in the following words; "and be it enacted, that it shall be lawful for any of his majesty's subjects, professing the Roman Catholic religion, to hold, exercise, and enjoy, all civil and military offices, and places of trust or profit under his majesty, his heirs, or successors, and to exercise *any other franchise or civil right*, except as hereinafter excepted, upon taking and subscribing at the times and in the manner hereinafter mentioned, the oath hereinbefore appointed and set forth, instead of the Oaths of Allegiance, Supremacy and Abjuration, and instead of such other oath or oaths as are or may be now by law required to be taken for the purpose aforesaid, by any of his majesty's subjects professing the Roman Catholic religion." It was impossible for even professional subtlety to throw a doubt over words so express. The clause was plain, distinct, anxiously complete. The word "franchise," was introduced in the 5th clause, which provided that Catholics should vote at all elections;

"franchise," as relating to corporations, was again mentioned in the 14th section: yet in this 10th section, Parliament, for fear any franchise had been omitted, had wisely introduced the word "franchise," again. The clause went on to give Catholics all "civil rights," under certain specific exceptions, none of which had any reference to the claim now in question. This section, then, expressly gave him every civil right on condition of taking the oath contained in the statute, and that oath alone; and certainly the right which he claimed, viz. a right to sit in Parliament, in virtue of an election reported by a committee of that House to be legal, regular, and formal, was a "civil right." That right he demanded: That right, in so far as the question of his being entitled to exercise it depended on the taking of oaths, he being a Catholic, was the matter in question; this section declared what was required of him, being a Catholic, to entitle him, being a Catholic, to exercise this, or any other "franchise or civil right;" therefore, on complying with this section, his right to exercise his franchise was completed in the express terms of the existing law.

This is a summary of Mr. O'Connell's argument, in which there were more points than one very strongly put, and which he delivered with a temperance very different from his customary displays in the arena of the Association, and well fitted to conciliate the good will of the House. The discussion that followed was conducted almost entirely by the lawyers; they took the charge of discovering the true meaning of the act, in an assembly of the very men who had made it a law, but who were now

amazingly at a loss to ascertain what had truly been their own intentions. The Solicitor-general remarked, very justly, in relation to the first point made by Mr. O'Connell—that the Act of Union, in not repeating the penalties, allowed Catholics to enter Parliament without taking the oaths—that it would have been most desirable to have found that out sooner, as all the agitation, and heart-burnings, and schisms, occasioned by the late measure, would have been avoided, when it was known that it gave nothing at all. But the first mistake on this point lay in supposing that the 1st of William and Mary abrogated the statute of Elizabeth in relation to the necessity of taking the Oaths of Allegiance and Supremacy, before the lord steward or his deputy, before entering the House. The first parliament of William and Mary was assembled by missives from the Prince of Orange. It was necessary that its members should take some oaths, and this act was passed, which turned a convention into a Parliament. In that act an alteration was made in the oaths to be taken at the table of the House; but it had no reference whatever to the oaths to be taken above stairs before the lord-steward or his deputy. This was proved by the fact that the commission then made out for the lord-steward differed in nothing from former commissions, except that he and his deputies should administer the Oath of Supremacy as it was regulated by the first of William and Mary; and from that day down to the present time, the practice of administering the oaths by the lord-steward, before members went into the House, had invariably continued.

The act of Elisabeth remained in force ; and if a member, therefore, should sit without having taken these oaths before the lord-steward, his seat, *ipso facto*, became forfeited.

The other point was, that the Act of Union imposed no forfeitures or penalties on a neglect to take the oath. Before the Union, the oaths to be taken by members of Parliament in Ireland were the same with those imposed in England. This had been declared by Yelverton's act in 1782 or 1788, in consequence of doubts which had arisen ; and the only difference was, that, as Ireland had no lord-steward, the oaths were taken at the table of the House. It was difficult to see how, where there were separate legislatures taking the same oaths, their union should abrogate the necessity of taking oaths at all. But it was not left to conjecture : the Act of Union itself declared, " That all laws in force at the time of the Union shall remain in force, subject only to such alterations and regulations, from time to time, as circumstances may appear to the Parliament of the United Kingdom to require." There was no exception, directly or indirectly, as to the taking of oaths in either House ; and accordingly, since the Union, various acts of indemnity had been passed in favour of individuals who had failed to take those very oaths. There had been such acts in 1805, 1812, and 1814, to protect members who had taken their seats without having taken the oaths. To put the matter beyond a doubt, the very first clause of the late act itself declared, that, up to the moment at which it became law, the taking of the oaths and making of the de-

clarations, now in question, had been necessary as qualifications for sitting and voting in Parliament.

To the point which Mr. O'Connell had made, that the Act of Union, if it continued the penalties as well as the oaths, continued them only till Parliament should " otherwise provide," an event which had happened by the passing of the late act, the Solicitor-general adverted very slightly, and passed on to the argument founded on the Relief bill itself. To the latter, his answer was this. No man, before the late statute, could take his seat, until he had taken the Oaths of Supremacy, and Allegiance before the lord high steward, and had taken them over again at the table of the House, making, likewise, on the latter occasion, the Declaration against transubstantiation, the invocation of saints, and the sacrifice of the mass. Now, the late statute repealed all such declarations ; and therefore, if it had stopped at the first clause, no member could take his seat without having first taken the Oath of Allegiance and the Oath of Supremacy before the high steward, and without having subsequently taken the Oath of Supremacy in the House. But the next clause bestowed capability on a certain class of persons, enacting that " From and after the commencement of the Act, it shall be lawful for any person professing the Roman Catholic religion, being a peer, or who shall after the commencement of this Act be returned as a member of the House of Commons, to sit and vote in either House of Parliament respectively, upon taking and subscribing an oath" which follows. The act conferred this new right, not on those who were returned as mem-

bers to the House of Commons previously to the commencement of the act, but on those only who should be returned after it. Then since it was clear, that, before coming to the second clause of the act, no one could enter the House without taking the Oath of Allegiance and the Oath of Supremacy, and since the second was a clause enabling Roman Catholics to sit and vote in Parliament on taking a certain oath, how could Roman Catholics have that right conferred on them by words of a general nature contained in a subsequent clause? There was a reason why such should be the case, in another act of legislation, which run parallel with this act. Though the disfranchisement of the 40s. freeholders was not included in this act, it was understood to be a condition annexed to it; and therefore, to secure the beneficial effects expected from it, it was no less necessary than just, to interpose the restriction of the second clause, so as to prevent the return of members by individuals of that class whom it was thought expedient to disfranchise. As the disfranchisement of a part of the Irish freeholders had been one of the conditions on which the Relief bill had been granted, it was fitting that no Roman Catholic should reap the benefit of the Relief bill, until the Irish elections were conducted upon that new principle, which the Disfranchisement bill would introduce into the elections for Ireland; for otherwise, Mr. O'Connell, or any other person, who was returned under the old system, would have been entitled to claim the benefits of the new system, which it never was the intention of the legislature to grant him.

The last point, which rested on the words "any other franchise, or civil right" in the 10th section, was still weaker than those that preceded it. The Solicitor-general did not mean to deny, that the right to sit in Parliament was a civil right; but he denied that it either was, or if the act got fair play, and the benefit of the ordinary rules of interpretation, could be, included under the words as used in this part of the statute. The Catholics laboured under a triple disqualification, parliamentary, civil, and municipal, and the very preamble of the bill followed this division, "sitting and voting in Parliament"—"the enjoyment of offices"—"franchises and civil rights." To remove this triple disqualification was the object for which Parliament had legislated; and Parliament had followed out that object very distinctly. The three first clauses of the act related to the right of the Roman Catholics to sit and vote in Parliament; and the last of them declared that the oath appointed to be taken by them should be taken before the same persons, at the same times, and in the same manner, as the oaths and the declaration, now required by law, are respectively directed to be taken. The act next proceeded to prescribe the oaths of office, the time and manner of taking them, and the penalties to attach to such persons as should not take them within the stipulated time after their admission into office. It then went on to provide regulations respecting their admission to franchises or other civil rights, and specified how they were to be complied with before the necessary municipal officers. But Mr. O'Con-

nell said, "I will disregard every thing given me by the first clause, and will take the general words of this tenth clause as comprehending the grant of every privilege and every right which I seek to exercise." Such an argument was most unwise; for on his own showing, he would be completely out of court. The 10th section enacted that "it shall be lawful for any of his majesty's subjects, professing the Roman Catholic religion, to exercise any other franchise or civil right, upon taking and subscribing at the times and in the manner hereinafter mentioned the oath hereinbefore appointed." Now Mr. O'Connell, on his own showing, had not taken the oath in the manner hereinafter mentioned, but in the manner before mentioned; for he had taken the oath before the lord high steward or his deputy, and not, as the act afterwards required from all holders of any franchise or other civil right, before certain municipal officers. He was ready to admit, that, if there were no other clauses in the bill relative to the right of sitting and voting in Parliament, the words "any other civil right," might give him every thing for which he was contending; but taking all this act together,—looking at the first clause of it relative to the admissibility of Roman Catholics into Parliament, and comparing it with the subsequent clauses relative to their admissibility to office—he must say that it did appear to him that this act excluded Mr. O'Connell as completely and as effectively, as if the words "any other civil right" had been erased from it. The Solicitor-general concluded with moving that "It is the opinion of this House that, Mr. O'Connell having

been returned as a member to this House before the commencement of the act passed in the present session for the Relief of his majesty's Roman Catholic subjects, is not entitled to sit or vote in this House, unless he first takes the Oath of Supremacy."

The argument of the Solicitor-general was supported by Mr. Fergusson, Mr. Sugden, Mr. Doherty, and sir James Scarlett; although the last of these learned gentlemen held that many parts of the case were by no means free from difficulty. On the other hand, Mr. G. Lamb, and Mr. Maurice Fitzgerald thought that, since there were doubts among the lawyers, it would become members, who were no lawyers, to give the applicant the benefit of the doubt, and hold the case to be included under the general relieving and conciliatory spirit and purview of the statute. Mr. W. Wynn suggested, as the best mode to be followed in cases like the present, where a doubt arose from the terms of an act of Parliament being apparently in contradiction with its spirit, that a declaratory act should be passed, stating that the individual in question was intended to have been included in the permissive clause. Mr. Brougham maintained that the weight of the argument was in favour of Mr. O'Connell. His argument on the provision of the Act of Union, that its enactments as to oaths should cease, when Parliament should "otherwise provide," and on the fact that Parliament had "otherwise provided," by passing the late bill, had remained without an answer, or an attempt at answer. There was no clause including, in express terms, the

circumstances in which the member for Clare stood. The question then was, as Mr. O'Connell's peculiar case of having been elected before the passing of the act, but not having taken his seat till after, was wholly passed over,—that is, altogether unprovided for in the act,—whether there was not some clause in it, which, interpreted according to the spirit of the whole measure, might entitle him to partake of all its benefits. The Solicitor-general had admitted that the spirit of a part of that act was in favour of Mr. O'Connell's present claim; and who could know that spirit better than the framer of the bill? If so, then nothing less than express, explicit, unquestionable exclusion in the preceding clauses could deprive him of his right. Now the preceding clauses contained not one word of Mr. O'Connell's exclusion, in fact did not allude to him at all; therefore, he was not only in justice entitled to the benefit of any other doubt in his favour, but to the advantages to which the strict and plain rule of statute construction would entitle him. As the member for Clare would have been admissible under the 10th section of that bill, had it stood alone, so under that section he must be still admissible, unless expressly excluded in the preceding sections, by apt legal words. All legal documents, be they wills, deeds, contracts, or acts of Parliament, were thus interpreted; for if, in the case of a doubtful expression in any of them, one or two words, additional or explanatory, would make the whole passage or document plain and clear, the spirit would be taken into account, and the construction would be in conformity to it. If such be the case with respect to

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legal documents in a court of law, he thought the benefit of a doubt should have double weight in a case like that before the House.

During the discussion, the friends of Mr. O'Connell insisted much on the ungraciousness of appearing to legislate against an individual, and the danger of impressing the public mind with the idea, that the measure was not to be executed in the same conciliatory and liberal disposition in which it seemed to have been brought forward. But if the law neither included, nor was intended to include, the case in question, there was no reason why Parliament should make a new act, or dispense with the plain provisions of the existing act, out of mere condescension to Mr. O'Connell. Whether was it more fitting that the law should bend to him, or that he should be subject to the general rule of the law? The claim of Mr. O'Connell, said Mr. Peel, was undoubtedly an individual one, but not strictly a personal one. He happened to be the only Roman Catholic that was returned to Parliament previous to the passing of the late act for the relief of his majesty's Roman Catholic subjects; and if the case had been that of lord Surrey, the new member for Horsham,* instead of the member for Clare, the House of Commons would have dealt with it precisely in a similar manner, upon similar grounds, and in reference to the operation of the law under which he was elected. Mr. O'Connell being a Roman Catholic when he was elected, was disqualified by

* This nobleman, son of the duke of Norfolk, had been elected for Horsham during the Easter recess and was the first Catholic who took his seat in the House of Commons.

the operation of the then existing law, as generally understood, from taking his seat. He himself knew, at the time when he was returned, that such was the meaning given to the law then in operation; and there was, therefore, nothing unjust in telling him, that, as he was elected under the former law, by that law he must abide, and that he was by it excluded from sitting in this House. They would justly say to him, "We deprive you of nothing, we leave you in the state you were in before the passing of the late Relief bill. We have certainly for the future relieved you, in common with all Roman Catholics, from the necessity of making the Declaration against transubstantiation. That bill was undoubtedly intended to place all Roman Catholics in that respect upon an equal footing; but it was not a bill intended to apply to your personal case; it was not intended to relieve you from the necessity of taking the Oaths of Abjuration and Supremacy, prescribed by those former acts of Parliament, which were the law of the land at the time when you were elected. It is by the operation of the former law that you are now excluded; and as you were elected previous to the passing of the Relief bill, it is abundantly plain that there is no injustice in now excluding you, and no necessity has been shown to induce us to go out of our way to perform in your regard an uncalled-for act of grace and favour." The fact was, that Mr. O'Connell was elected at a time when the passing of that act was contemplated neither by him, nor by his constituents; and he had no right to have it applied retrospectively to his case, and for his peculiar benefit. The clauses which exclude Mr. O'Connell, said Mr.

Ferguson, would have been in the bill, though Mr. O'Connell, and his election, had never existed.

The question, however, was pressed to a division, when the Solicitor-general's resolution was carried, by a majority of 190 to 116.

Next day Mr. O'Connell appeared at the Bar. The Speaker communicated to him the resolution of the House, and asked him, whether he was ready to take the Oath of Supremacy. Mr. O'Connell requested permission to look at the oath; it was handed to him, and he answered, after a short pause, "I see, in this oath, one assertion as to a matter of fact which I know is not true, and see in it another assertion, as to a matter of opinion, which I believe is not true. I therefore refuse to take this oath."

—This was followed up by the Solicitor-general moving that the Speaker should issue his warrant to the Clerk of the Crown to issue a writ for a new election. Mr. Spring Rice, on the other hand, moved as an amendment that leave be given to bring in a bill to relieve Mr. O'Connell; whereupon general Gascoign gave notice that he would move for leave to bring in a bill, to alter and amend the Catholic Bill itself. The amendment was supported principally on the ground that it was imprudent to produce in Ireland, at this moment, the agitation of a new election, but it was ultimately withdrawn. The motion of general Gascoign was never made; and the motion for a new writ was agreed to without a division.

The last parliamentary result of the measures which had been thus carried through in regard to Ireland, was a motion for Parliamentary Reform. We have already noticed the agility with which the majori-

ties of both Houses wheeled round at the word of command from the minister, and the little regard that was paid to public opinion in revolutionizing the internal arrangements of the country. On the 2nd of June the marquis of Blandford moved a series of resolutions, which went to declare that there existed a number of boroughs the representation of which could be purchased, and others in which the number of electors was so small as to render them liable to the influence of bribery; and that such a system was disgraceful to the character of the House of Commons, destructive of the confidence which the people should repose in it, and prejudicial to the best interests of the country. He supported the motion on the ground that late events had shown how completely the representative body could be separated from the feelings, the wishes, and the opinions of the people. An imperious necessity had been added to the already existing propriety of putting down the boroughmonger and his trade; all the rights and liberties of the country were in jeopardy, so long as majorities were to be obtained by a traffic of seats and services. After what had happened, the country demanded some statutory provision to secure its agriculture, its manufactures, and its trade;

and especially to secure the interest of the Protestant community against the influx and increase of the Roman Catholic party; and one mode of securing it, and at the same time to purify the representation, would be, to abolish the borough-market, which had now been thrown open to Catholics as well as Protestants. The resolutions, however, were rejected by a majority of 401 to 118. In truth, the motion itself was intended to be rather in the nature of a notice, than made with any design of having the topics which it embraced fully discussed, at that late period of the session. It was supported by some of the old reformers, though on very different grounds from that dislike of free-trade, and apprehension of Catholic influence, which animated the mover. They confessed they would be less favourably inclined to reform, if they could think it would produce a House of Commons unfriendly to what was called free-trade, or to the liberal principles which had granted emancipation. Mr. W. Smith, in voting for the resolutions, expressed his high satisfaction that the Relief bill had produced one effect, which its best friends had not anticipated, the transforming a number of the highest tories in the land into something very like radical reformers.

CHAP. VI.

*Motion for a Committee to inquire into the State of the Silk Trade—
Motion rejected—Reduction of the Duties on the raw Material—
The Budget—Prorogation of Parliament.*

THE House and the country were so engrossed by the measures and discussions relative to Ireland, that scarcely any other proceedings worthy of being recorded took place during the session. In the mean time, however, the manufacturing part of the population were suffering great distress; and in some places they aggravated their sufferings by combining to remain idle; rather than work at the wages which were offered them; and both causes led to frequent riotous proceedings, and to the destruction of the property of their employers. The silk weavers in Spitalfields and Bethnal Green particularly distinguished themselves in this work of violence.

On the 14th of April, Mr. Fyler, one of the members for Coventry, brought the state of the silk-trade before Parliament, by moving for the appointment of a select committee to inquire into its condition, and the cause of its decline. The motion was founded on the distress which was acknowledged on all hands to prevail, and on statements which were said to prove both that the decline of the trade was still progressive, and that its origin was to be sought in the recent changes in our commercial legislation. It was mentioned that, in Coventry, the number of silk weavers out of employment, had increased by five hundred since

the middle of March, and that the total number of unemployed persons connected with the trade, amounted to upwards of four thousand two hundred. There were, it appeared, twenty-six mills standing still in Congleton. In 1824, the average wages were 12s. 8d. per week; in 1828, 4s. 7d. In Paisley, there were two-thirds more mills at work in 1824 than in 1828. the average rate of wages was 15s. in 1824, and only 8s. 1½d. in 1828. In Macclesfield there were fifty-two mills employed in 1824; in 1828 sixteen of them were standing still. At Taunton, in Somersetshire, of seventy mills that were employed in 1824, fifty were now standing still, and wages were reduced seventy per cent. In Spitalfields, in 1824-5, Gros-de-Naples was paid for at the rate of 10d. a yard, it was now 6d.; lustring was 1s. a yard, it was now 8d.; other fabrics, which were then for at the rate of 1s. 2d. a yard, were now 9d. In 1824-5 there were seventeen thousand looms employed in Spitalfields, while at the present day there were only nine thousand. The rate of wages averaged at the former period 17s.; at present it amounted to only 9s. Figured and fancy goods, in 1824-5, produced an average of 22s. a week wages; that rate was now reduced to 14s. In 1824-5 one-third of the whole manufac-

ture of Spitalfields consisted of fancy goods; but now of nine thousand looms employed, only two thousand were engaged in the manufacture of fancy articles. In Dublin, in 1824-5, there were one thousand two hundred broad silk looms employed, and there were now only two hundred. In 1824-5 there were nine hundred and sixty-six ribband-engines employed; that number was now reduced to one hundred and forty-four. In 1824-5 the total number of broad weavers in employ was two thousand one hundred and ninety-six; in 1828 the number employed was only four hundred and forty-four. In 1828 the wages were thirty-five per cent less than in 1824. In 1824, there were ten mills in full work; at present there were only two, and those only partially employed. In 1824 the hands employed in throwing were two thousand two hundred; in 1828 there were only one hundred and thirty-eight. In 1824, the wages were 8s., in 1828 they were only 5s. This was said to be the actual state and progress of the trade; and it could be imputed mainly, if not solely, to nothing but the enormous amount of foreign silk goods imported under the new system. For ten years previous to the introduction of that system, the quantity of the raw material imported had been regularly increasing. In the years 1815, 1816, and 1817, the aggregate amount of the import of raw and thrown silk was 4,007,000lb., being equal to an average in each year of 1,336,000lb. In the years 1818, 1819, 1820 the aggregate amount was 6,592,000lb., being equal to an average in each year of 2,194,000lb. In the years 1821, 1822, and 1823, the aggre-

gate amount was 8,072,000lb., being equal to an average in each year of 2,691,000lb. The imports, therefore, of raw and thrown silk had been increasing every year from 1815 till 1824, and it must therefore be obvious, that the silk-trade could not be said to have flourished in consequence of the introduction of these new principles. On the contrary, in 1826 and 1827, there had been a decrease in the importation of the raw material, as compared with 1824 and 1825, of 1,149,153lb. In the mean time, under these new regulations, the imports of the manufactured article had been increasing. In 1828, they amounted to 676,973*l.* 19*s.* 6*d.*, which was a most rapid increase; for in 1826, they had amounted only to 445,000*l.*, and in 1827, to 555,087*l.* Taking one-third of the quantity as the amount brought into the country by smuggling, two-thirds remained for legal importation, which, at a fair calculation, would give 1,000,000*l.* of money, as the amount of labour displaced from the industry of this country: and, taking into account the difference between the price of labour in this country and in France, there was lost to the industry of this country, in depriving our labourers of the manufacture of the raw article into an article of use, no less a sum than 1,066,233*l.* Hence our silk mills and looms were standing still; the weavers were starving; and it was quite certain that many even of the masters were giving up the trade, and becoming mere importers.

The ministry opposed the appointment of a committee, on the ground that it confessedly "pointed at a return to the prohibitory system, which they were deter-

mined not to restore, and because even such a return would only increase the evil. If the restrictions of monopoly were restored, and monopoly prices revived, all the probabilities were, that the consumption would decline, for it was cheapness that had produced it; and one consequence would be the ruin of establishments which had grown up since, and just because prohibition was at an end. One of the main causes of the present distress, which existed in France fully as much as here, was to be found in over-production—over-trading—in both countries. Many facts proved this: there was 1st, the immense increase of the quantity of raw silk imported; 2ndly, the high prices at which, owing to the competition of throwsters, the raw silks had nevertheless been purchased, even up to the sale at the East-India House at the end of January; 3rdly, the numerous new mills and works which had been established since 1823; and 4thly, the simultaneous distress in France. The facts, alone, of the great increase in the consumption of the raw material, as well as the increase in the number of persons, buildings, and works, employed in the manufacture, would sufficiently prove this over-trading. Dating the change of system at the beginning of the year 1824, five years of the new state of the silk-trade had now elapsed. In those five years, the importation of raw and thrown silk had been 18,584,213lb. In the five years preceding 1824, the importation was only 10,925,646lb., making a difference of 7,650,567lb. in favour of the later period. Long before 1824, a silk trade was rising up in our provincial towns, the effects of which were beginning to be

severely felt in Spitalfields; and were the consumption to be now contracted in the degree which would result from a renewal of the former system, the looms of the metropolis could not be kept at work, in opposition to the numerous fresh establishments at work in the country. Perhaps to change in fashion, more than to over-production, the former seasons of distress might be attributed; and to Spitalfields those seasons would become more and more disastrous, in proportion as competition with the operatives of the country was extended. In former times it was not possible to force a trade by low prices; cheapness was not a material object with the regular consumers, and the degree of cheapness, which could then be attained, was not sufficient suddenly to bring in a new class of customers. Most certainly, if the loss of profit to the English manufacturer arose from his being undersold by French imports, the situation of the latter ought to be very flourishing. But the reverse was the fact; the distress of the silk-trade in France was as great as here; and the French manufacturers, convinced by the fatal experience of their losses that they could not so easily undersell the British, had thrown many thousands of looms out of work. In regard to the increase of manufacturing establishments, the president of the Board of Trade stated, that, taking a certain number of considerable towns, the number of spindles employed in them previous to 1824, were 780,000; that, in 1829, in the same places, the number was 1,180,000, making an increase of 400,000. Admitting that, previous to 1824, they were all, without exception, employed, the

number in this year unemployed was returned as 300,000, showing no diminution in the extent of the employment in the year 1824. In the same year, the number of mills was 175; it was, in the present year, 266. Was it necessary to add more to prove the overtrading in this branch?

The motion for a committee being negatived, the president of the Board of Trade moved certain resolutions, which went to reduce the duties on the importation of the different species of the raw material—the only expedient he maintained by which good could be done. These resolutions being adopted, a bill founded on them was brought in and passed, though not without strong opposition from the members hostile to the new system, who declared that this measure alone was wanting to annihilate the trade, which was already in so languishing a condition. During the progress of the bill, Bethnal Green and Spitalfields were the scenes of incessant riot; and property to a very large amount was destroyed. Mr. Peel declared in the House, that he knew these outrages were perpetrated for the purpose of intimidating the legislature from agreeing to the measure.

The Chancellor of the Exchequer opened the budget on the 8th of May. Last year he had estimated the revenue at 53,900,000*l.* and the expenditure at 50,100,000*l.* and had counted on having a sum of 3,797,000*l.* to apply to the fund for the reduction of the debt. He now informed the House that the issue had been more favourable than he had ventured to contemplate. The actual revenue of 1828, had been 55,187,000*l.* and the expenditure, estimated at

50,000,000*l.*, had been only 49,386,000*l.*, making a total surplus of 5,850,000*l.* instead of 3,797,000*l.* With the exception of about 150,000*l.*, this increase had arisen from the two great branches of the revenue—the customs and the excise. The customs had been estimated at the sum of 17,600,000*l.*; but the amount produced by the customs was only 17,200,000*l.*: an apparent diminution arising from the tea-duty in Ireland being transferred from the Irish customs to the English excise. The estimate of the customs was reduced 800,000*l.* by the loss of this duty; while in the estimate there was a countervailing increase of 600,000*l.*, and it had actually exceeded 700,000*l.* The excise, estimated at 19,200,000*l.* had reached the sum of 20,759,000*l.*: but when the tea-duty was deducted, the actual duty would amount to 20,250,000*l.*, giving an excess of about 1,000,000*l.* above its anticipated produce. This increase had arisen, more or less, on every article, but more particularly on malt and spirits. He had calculated on 600,000*l.* for the article of malt; but it had amounted to no less than 1,300,000*l.*—a striking proof of increase in the ease and comforts of the community, as it was only upon the general consumption of the people that this sum could be raised. The expenditure of the country had been less than the estimate by 767,000*l.*; but the whole of this was not an actual saving of expense. Part of it arose from certain payments, which might have been charged, not having been made within the year. The payment of the fleet in the Mediterranean, too, had been deferred, and these expenses,

it must be seen, would fall on another year. A portion of this sum, however, was an actual saving, and it arose from the economical administration of the funds which had been confided by parliament to government. The result of the whole was, that there was a greater *bond fide* surplus revenue, consisting of nothing but revenue, than had been available in any year since 1822.

In looking again at the expected revenue of the present year, the House, he thought, must lay its account with a reduction of income. This would be partly caused by the measures which the House had thought fit to adopt last session with respect to the trustees for naval and military pensions. By abstracting the sum paid by the trustees of naval and military pensions from the ordinary sources of revenue, there would be a reduction of nearly 2,000,000*l.*—of exactly 1,900,000*l.*; but as they had agreed to depart from the system which had been hitherto pursued, they ought not to repine at the consequences of a measure, which, upon full consideration, they had thought it advisable to adopt. With respect to what, strictly so called, was the revenue of the year, they must also be prepared for a considerable reduction. In the customs, he anticipated a deficiency of 225,000*l.* With respect to the excise, he proposed to make the estimate 600,000*l.* less than the estimate of the last year. Taking the customs and the excise together, he would estimate the revenue to be derived from them for the present year at 37,150,000*l.*, allowing a deficiency of 800,000*l.*; and he had no reason to anticipate that any deficiency would occur beyond that amount. The other

branches of the revenue afforded no indication of deficiency. The revenue derivable from the stamps had, up to the present moment, gone on progressively improving. There was no diminution in the amount received from the assessed taxes; and the Post-Office furnished a supply of revenue equal to that which it furnished last year. Taking these sources of revenue altogether, he did not think himself called upon, in endeavouring to form a correct estimate for the present year, to make any reduction from the amount which they yielded last year. The general result, therefore, was, that the custom and excise revenue would, in the course of the year to come, produce a sum of 37,150,000*l.*; the stamps he would take at 7,107,000*l.*; the assessed taxes at 4,850,000*l.*; the Post Office at 1,500,000*l.*; and the smaller branches at 200,000*l.*; making a total of 50,807,000*l.* Adding to this sum, the extraordinary resources arising out of the money paid by the East-India Company, the unclaimed dividends, and other items, the amount of the revenue receivable would be 51,347,000*l.* Such would be the probable income.

The expenditure, which he proposed, was as follows:—First, the charge for the debt, amounting to 27,053,000*l.* and the sum of 850,300*l.* for interest on Exchequer bills, making the total amount of the interest of the national debt, 27,903,000*l.* The amount of the naval and military pensions was 585,740*l.*: and the fixed charges on the consolidated fund he took at the same amount as last year,—namely, 2,200,000*l.*, making the whole amount of the fixed and permanent charge, with which Parliament had no direct

power to interfere, 30,688,740*l.* Then there were the grants for the army, including the commissariat and the extraordinaries amounting to 7,769,178*l.*; being about 1,000,000*l.* less than the sum voted in the preceding year; for the navy, 5,878,794*l.* being rather more than 1,000,000*l.* less than the sum voted last year. For the ordnance, 1,728,908*l.* had been voted, being an apparent increase of 170,000*l.* to the amount voted last year; an increase which arose, not from any increased demand in this department, but from the diminution of the sums arising from the sale of old stores. For miscellaneous services the vote of the present year was 2,067,873*l.*; being a reduction of nearly 300,000*l.* from the vote of last year. The whole of the ordinary expenses amounted to 17,644,853*l.*, which, compared with the sum of 18,028,040*l.*, showed a saving in the present year of 383,187*l.* But in addition to the ordinary grants of the present year, Parliament had to provide a sum of 200,000*l.* for an extraordinary and unforeseen event, arising out of the treaty with the king of Spain, by which we bound ourselves to defray the just claims which the Spanish subjects had on the government of England, in consideration of the payment by the king of Spain of those larger demands, due by the Spanish government to the subjects of this country. Taking, then, the votes of the year, and this 200,000*l.*, the whole expenditure of the year would be found to amount to 48,333,593*l.* which being deducted from the income of 51,347,000*l.* left a clear surplus of 3,013,407*l.* applicable to the reduction of the national debt. The finance committee had recommended that a sum of

3,000,000*l.* of clear *bona fide* revenue, should always be kept inviolate for that purpose; and as the surplus on which they could calculate was no greater, no part of it could be applied to the reduction of the burthens of the country.

On the 24th of June, Parliament was prorogued by commission, the Lord Chancellor delivering the following Speech:—

“ My Lords and Gentlemen,
“ We are commanded by his Majesty, in releasing you from your attendance in Parliament, to express to you his Majesty’s acknowledgments for the zeal and assiduity with which you have applied yourselves to the despatch of public business, and especially to the consideration of those important matters which his Majesty recommended to your attention at the opening of the Session.

“ His Majesty directs us to inform you, that he continues to receive from his Allies, and from all Foreign Powers, assurances of their earnest desire to cultivate the relations of peace, and maintain the most friendly understanding with his Majesty.

“ His Majesty laments that he has not to announce to you the termination of war in the East of Europe; but his Majesty commands us to assure you, that he will continue to use his utmost endeavours to prevent the extension of hostilities, and to promote the restoration of peace.

“ It is with satisfaction his Majesty informs you that he has been enabled to renew his Diplomatic Relations with the Ottoman Porte.

“ Ambassadors of his Majesty, and of the King of France, are on their return to Constantinople; and the Emperor of Russia, hav-

ing been pleased to authorize the Plenipotentiaries of his Allies to act on behalf of his Imperial Majesty, the Negotiations for the final pacification of Greece will be carried on in the name of the Three Contracting Parties to the Treaty of London.

"The army of his Most Christian Majesty has been withdrawn from the Morea, with the exception of a small force, destined, for a time, to assist in the establishment of order in a country which has so long been the scene of confusion and anarchy.

"It is with increased regret that his Majesty again adverts to the condition of the Portuguese Monarchy. But his Majesty commands us to repeat his determination to use every effort to reconcile conflicting interests, and to remove the evils which press so heavily upon a country, the prosperity of which must ever be an object of his Majesty's solicitude.

"Gentlemen of the House of Commons,

"His Majesty commands us to thank you for the supplies which you have granted for the service of the year, and to assure you of his Majesty's determination to apply them with every attention to economy.

"My Lords and Gentlemen,
"His Majesty has commanded us in conclusion, to express the sincere hope of his Majesty, that the important measures, which have been adopted by Parliament in the course of the present Session, may tend, under the blessing of Divine Providence, to establish the tranquillity and improve the condition of Ireland: and that, by strengthening the bonds of union between the several parts of this great Empire, they may consolidate and augment its power, and promote the happiness of his people."

About the same time, the legal arrangements rendered necessary by the dismissal of sir Charles Wetherell from the office of Attorney-general were completed. Sir James Scarlett, who had filled the same office under Mr. Canning, now became the Attorney-general of the duke of Wellington. To avoid the anomaly of again promoting him over the head of the Solicitor-general, sir Nicholas Tindal, the latter was made Chief Justice of the Common Pleas, Chief Justice Best being removed into the House of Peers, under the title of Lord Wynford. Mr. Sugden succeeded sir Nicholas Tindall as Solicitor-general.

CHAP. VII.

New Registration of Freeholders in Ireland—Mr. O'Connell's Address to the Electors of Clare—The Catholic Rent voted to support him—He is elected without Opposition—Alarming State of Ireland—The Magistrates of Tipperary request the Renewal of the Insurrection Act—Disturbances among the Manufacturers in England—Spitalfields, Macclesfield, Coventry, Barnsley—Court Martial arising out of the Battle of Navarino.

THE Act, which disfranchised the forty-shilling freeholders of Ireland, provided that a new enrolment of the freeholders who still retained a qualification, should take place as soon as possible after the commencement of the Act. This important business was proceeded in with all the despatch which the forms of the statute allowed, and the result was a very serious change in the lists of the electors. The notices given of an intention to register were not so numerous as might have been anticipated from the hosts of small freeholders who used to be marched up to the poll. Even of those who gave notice, a large proportion carried the application no farther, conscious that their claims would not bear the strict scrutiny to which they were now to be subjected; and of those who came forward to the scrutiny, another large proportion were, in every county, found to be wanting. In many instances the people displayed no disposition to register; and their landlords had difficulty in bringing them into court. In Cavan 650 notices of enrolment had been given from five baronies; but only 137 claimants presented themselves; and, of these,

only 93 were registered. It was estimated that not more than one-third even of those who served notices would succeed in being enrolled. The exclusion of the lower freeholders promised to alter greatly the relation in which the remaining electors would stand to those who had hitherto commanded the representation. The strength of the landlords had hitherto lain in the "*forties*;" the lowest class of freeholders now admitted were not altogether so dependent; and a still more useful consequence seemed likely to be, that, as the shoals of the forty-shilling men were now removed, even the ten-pound electors would find it difficult to beat out of the field those who were rated still higher. The mass of unthinking, obedient matter, on which the will of the landlords could operate at pleasure, was greatly diminished; what remained was of a somewhat better quality in itself, and was brought more nearly to a level with that which might be supposed to have a will of its own. Neither did the new arrangement appear to threaten any injury to the Protestants, in so far as the number of voters was concerned; for, in general, the poorest class of free-

holders had contained a much greater proportion of Catholics than of Protestants, and the former, therefore, were, in comparison, the greater losers.

While the registration was going on, Mr. O'Connell was taking measures to secure his re-election for the county of Clare, to which the vote of the House of Commons had sent him back. So soon as that vote was passed, he addressed a long letter to the electors, in which he described both Parliament and the ministers by terms very different from those which, when he pleaded his cause in the House of Commons, had gained him credit as a temperate and moderate-minded person. He spoke of himself and his constituents as the conquerors of the government; he spoke of the government as faithless and insulting. "The House of Commons," said he, "have deprived me of the right conferred on me by the people of Clare. They have, in my opinion, unjustly and illegally deprived me of that right; but from their decision there is no appeal, save to the people. I appeal to you. In my person the county of Clare has been insulted. The brand of degradation has been raised to mark me, because the people of Clare fairly selected me. Will the people of Clare endure this insult, now that they can firmly, but constitutionally, efface it for ever? Electors of the county of Clare, to you is due the glory of converting Peel and conquering Wellington. The last election for Clare is admitted to have been the immediate and irresistible cause of producing 'the Catholic Relief Bill.' You have achieved the religious liberty of Ireland. Another such victory in Clare, and we shall attain the

political freedom of our beloved country." That victory, he told them was still necessary to prevent Catholic rights and liberties from being "sapped and undermined by the insidious policy of those men who, FALSE TO THEIR OWN PARTY, CAN NEVER BE TRUE TO US — and who have yielded, not to reason, but to necessity, in granting us freedom of conscience." "A sober, a moral, and a religious people cannot continue slaves; they become too powerful for their oppressors: their moral strength exceeds their physical powers; and their progress towards prosperity is in vain opposed by the Peels and the Wellingtons of society. These poor strugglers for ancient abuses yield to a necessity which violates no law, and commits no crime; and having once already succeeded by these means, our next success is equally certain, if we adopt the same virtuous and irresistible means." Such was the language in which this representative of the feelings and interests of Ireland already spoke of the granters of emancipation; this was the first sample of the gratitude and affection, which, in the Catholic body, were to take the place of hostility and insult! The Relief bill itself did not escape his censure, and the prohibition contained in it against the growth of the monastic orders, he frankly declared, would not be obeyed. "I trust I shall be the instrument of erasing from the Statute-book that paltry imitation of the worst and still-existing portion of French Jacobinism—a miserable imitation, which pretends to do that which nature and religion forbid to be done—to extinguish monastic orders in Ireland. While it is law, its penalties

will be submitted to, but let me add, as a matter of fact, that its mandate will most assuredly not be obeyed. It was formerly death in Ireland to be a friar, and the Irish earth is still scarcely dry from the blood of martyred friars; the friars multiplied in the face of death. Oh for the sagacity of Peel, and the awful wisdom of Wellington, that meditate to suppress monastic orders in Ireland by a pecuniary penalty, and the dread of a foreign mission, under the name of banishment."—The grounds on which he claimed the voice of the county, now that the stalking horse of religious inequality was removed, were simply, that whatever the county wished, or ought to wish, he would take care should be done, and that no other man could do it. He would accomplish the repeal of the disfranchisement act, which was "a direct violation of the Union;" of the Sub-letting act, which "was calculated to make the poor more wretched, and render the destitute more miserable;" and of the Vestry-bill, which "enabled a few Protestants to tax at their fancy the property of Catholics." He would assail the system of "Grand Jury jobbing, and Grand Jury assessment:" He would procure an equitable distribution of church property between the poor on the one hand, and the really laborious portion of the Protestant clergy on the other: He would struggle hard to cleanse the Augean stables of the law, "for which Herculean task," said he, "my professional habits give me peculiar facilities:" He would procure for every Catholic rector of a parish, a parochial house, and an adequate glebe: He would make manifest the monstrous in-

justice that had been done to the Jesuits, and the monastic orders: He would labour for the improvement of their river, and the construction of a harbour; He would wage war on the East India Charter: He would strain every nerve in the cause of parliamentary reform: He would provide for Ireland a system of Poor-laws containing every thing that was good, and not a particle of any thing that could be detrimental, no not even to the pockets of those who were to pay. Of these, and many other matters, his language was, if you wish to see them done, "send me to parliament. If the gentry of Clare are desirous to have as their representative a man who is able and most desirous to protect in Parliament their properties and permanent interests, let them do me the honour to elect me. But let them not lay the flattering unction to their souls, that they can, without an independent man of business as their representative, postpone the introduction of the English system of poor-laws."

So soon as he took the field, what was termed an "Aggregate Meeting" of the Catholics took place, to consider what steps should be adopted to forward his re-election. This was nothing else than a meeting of the Catholic Association. It was held in the old Association rooms; it was held for old Association purposes. A large sum of the Catholic rent still remained on hand; this meeting was held, and was followed by others, to consider how that fund should be disposed of—and only the Catholic Association could dispose of that fund. The very first thing done by the meeting was to vote 5000*l.* of the rent, as an aid to Mr. O'Connell in standing for the

county of Clare. This was the very thing which they had done in 1828. The one was as much an act of the Catholic Association as the other had been—and was in the very face of that law suppressing it, with which the Relief bill had been so pompously introduced. The vote was strongly opposed by some members, on the ground that such a mode of appropriating the money was not among the objects for which it had been contributed; and Mr. Eneas M'Donnell gave the treasurers warning, that, if they applied any part of these monies towards such a purpose, it would be at their own peril. Mr. M'Donnell probably acted from resentment; but the very cause of his resentment was, the actings of this revived Catholic Association. He had put in a claim to be remunerated from the fund for what he had done and suffered in the Catholic cause. That claim was rejected; but it was rejected only after a debate of three days, regularly adjourned from day to day; and these meetings took place under the very eye of the government without interruption.

The election did not excite much interest, for Mr. O'Connell was not opposed. It was preceded and accompanied, however, by the usual quantity of "triumphant entries" as they were called; that is, assemblages of large crowds of people, to whom were addressed the usual quantity of bad speeches, in which inflammatory abuse was mixed up with low buffoonery and sheer blackguardism. In one of these orations, delivered on his entry into Ennis, he said, "The forty-shilling elective franchise has been taken from you, and the 10*l.* substituted in its stead. You will give me an opportunity of having

that franchise—that right—restored. I promised you religious freedom, and I kept my word. The Catholics are now free, and the Brunswickers are no longer their masters—and a paltry set they were to be our masters. They could turn up the white of their eyes to heaven, but at the same time they put their hands very sily into your pockets. They would discount God Almighty for the ready money. The Brunswick Clubs of Dublin have sent down one, a miniature in flesh, poor Bumbo and his land-calf brother, to disfranchise the brave freeholders, and crooked-eye Fitzgerald swore to it; but I call on the gentry of Clare to separate themselves from the disgraceful Dublin bloodhounds, and join what is intended for the good of the people. The question is no longer a question between Protestant and Catholic—that is at an end—it is now who is a good or a bad man. If you thus decide, which will you choose, Bumbo or me? I hope you will rub off the foul stain of any connection with those bloodhounds, and ratify the former election. What good did any member ever before in Parliament do for the county of Clare, except to get places for their nephews and cousins, &c.? What did I do? I procured for you emancipation. Does the Sub-letting Act oppress? I shall not be six months in Parliament until all your oppression shall be done away with."

This was language fitted to excite, but not to mitigate angry passions; used too, not in the heat of a contested election, but when he was allowed to walk the course undisturbed. He did not conceal his ulterior views. Whenever he could find an opportunity, he made

a speech; and whenever he made a speech, he announced his great object now to be, a repeal of the Union with England, and the means by which he was to seek it, that same organization of the people to which his majesty's government had lately told the empire, it was impossible for them to say no. "We have now," said he, at Youghall, "a brighter era opened to us, and I trust that all classes of my countrymen will join together, and, by forming one general firm phalanx, achieve what is still wanting to make Ireland what it ought to be. Ireland had her 1782—she shall have another 1782. Let no man tell me it is useless to look for a repeal of the odious Union—that blot upon our national character. I revere the Union between England and Scotland; but the Union which converted Ireland into a province, which deprived Ireland of her Parliament—it is for the repeal of that measure we must now use all the constitutional means in our power. That Union which engenders absenteeism, and the thousand other evils which naturally flow in its train. We are bound to England by the golden link of the crown, and far be it from me to weaken that connection by my present observations; I want no disseveration; but I want, and must have, a repeal of that cursed measure, which deprived Ireland of her senate, and thereby made her a dependant upon British aristocracy, and British intrigue, and British interests. I may perhaps be told that to attempt a repeal of the Union would be chimerical. I pity the man who requires an argument in support of the position that Ireland wants her parliament; and that individual, who pronounces the attainment of

such a consummation to be Utopian, is reminded of the Catholic Question. Look at the Catholic cause; do I not remember when it was difficult to procure a meeting of five Catholics to look for a restoration of our then withheld rights! I recollect when we, agitators, were almost as much execrated by our fellow slaves as we were by our oppressors. For the attainment of the repeal of the Union I shall have the co-operation of all classes and grades in society; the Orangeman of the north, the Methodist of the south, and the quiet, unassuming Quaker, who may think his gains shall be thereby augmented—all shall be joined in one common cause—the restoration of Ireland's Parliament." "I am now on my way to Dublin; nor shall I be there a fortnight, when a society, having for its title "Seventeen Hundred and Eighty-two," shall be formed. I dare say I shall have but a few persons enrolled in it at the first; but like the mighty oak, which spreads and overshadows the desert, resisting for centuries the most furious blasts of the elements, so shall "Seventeen Hundred and Eighty-two" extend its influence throughout Ireland, nor cease till her Parliament be restored; her sons be of one creed; all joined in the common cause of seeing old Ireland great and glorious amongst the nations of Europe."—In another and earlier oration, delivered at Carrick-on-Suire, he had said—"what was to be done for Ireland. The contentions of religion were over—freedom was obtained—they never desired more—they never were base enough to be contented with less—the people shall no longer be misrepresented—what was done in one county, another

county can accomplish! Waterford owed it to Clare to imitate it, and Waterford should imitate it—nor should the scions of *Knockloftiness* and the paltry *Prittieness* of another county [Messrs. Hutchinson and Prittie, members for Tipperary] be suffered to prevent the just representation of its feelings—no, the men of that county were too brave to be intimidated. However pure the intentions of the duke of Wellington might be, the designs of his ministry betrayed no symptom of improving the internal condition of Ireland; whom had they, for instance, selected for the administration of justice? Sergeant Lefroy, reeking with expressions with which he would not pollute his lips (for they savoured too closely of high treason), was sent to decide whether Catholics are always in the wrong and Protestants always in the right. The government of Ireland had made another change—Saurin. They had heard of Con of the hundred battles, but there was Saurin of the hundred prosecutions. Saurin, the great enemy of the liberty of the press, and the virulent enemy to toleration—his ancestors were refugees from persecution, they had suffered persecution, but they had not learned mercy. A son of Mr. Saurin had been appointed to a high situation—there was another change. In Ireland Catholics had learned a double distrust—a distrust of closed investigation or open trial. They had seen on the jury Orangemen arrayed against them in judgment; and, like the wretch who is drawn to the gambling table, where loaded dice await to decide his doom, he had seen the Catholic stand before them in the inauspicious hope of obtaining justice. More than once he

had stood forth to defend the victim, and more than once he had beheld him trampled on, and stained with Orange pollution. What man would not view with suspicion the administration of justice, who had witnessed the late trials in their county?”

We are the more particular in detailing these expressions, both because they form an admirable commentary on the assurances of grateful affection and profound tranquillity, with which the emancipationists had assured Parliament the boon would be received, and because it would be an anomaly to have found harmony or goodwill returning to a country, of whose popular leader these were the doctrines and feelings—doctrines and feelings drunk in with greedy ears and noisy applause by the listening crowds. They were expressly told, that what had been gained, so far from being any cause of peace and repose, was only to be a new source of universal excitement and more ardent activity: they were told that many great changes were still to be effected; among others, nothing less than a legislative separation from Great Britain, their connection with which was pictured to them as “a cursed union,” the source of degradation and impoverishment: they were taught, that, while so much remained to be effected, it was to be gained by strenuously following out the same measures which had gained emancipation; that is, by assuming an attitude of organized defiance, which, by its threatening complexion, would compel concession. The administration of justice was held out to them as an object of distrust and detestation; their opponents were still denounced as blood-thirsty

oppressors: the "Tipperary men" were told that they were "too brave to be intimidated" — and could the Tipperary men, or any other Irishmen, under the influence of such exciting representations, do any thing else than have their applauded bravery at hand, ready for use?

It is not wonderful, then, that Ireland very soon presented scenes of as much violence as those from which the Emancipation bill was for ever to relieve her. The hostile feelings of parties continued, and manifested themselves in the same way. To the great body of the Catholics, emancipation had brought no change, except the destruction of their freeholds—a source of discontent rather than of satisfaction. The Protestants felt that they had been deceived, and knew that they were in danger; it could not be expected that they would remain unmoved, when their adversaries were openly threatening a renewal of their organized activity: they, too, had recourse to organization; and the heads of the Orange lodges were officially inculcating firmness and union. The slightest accident, the most casual collisions, produced contention, and ended almost uniformly in bloodshed.

In different parts of the country, the Protestants celebrated, or prepared to celebrate, the 12th of July with the usual rejoicings. This the Catholics resolved to oppose by force, wherever they could. Wherever the police or yeomanry interfered, the Catholics viewed them as oppressors, let loose upon them by the partiality of the laws, and formed themselves into armed bands for resistance. Each party blamed the other for all this mischief; but be-

tween them the country was armed for civil war; its condition was much more alarming than that which was to have been cured by the Relief bill. Emancipation might be Ireland's ark—but it was sent abroad to float over noisy and troubled waters. The spirit of mutual exaggeration and recrimination which prevailed, rendered it difficult to arrive at the truth, where every account bore the colouring of one party or the other; but though each party blamed the other, both agreed that heart and hand were ready for an appeal to arms. Thus, in the county of Clare, the Orangemen, according to the Catholic account, had erected a triumphal-arch across the street of a country town, and would not allow the Catholics coming from mass to pass under it. The police interfered and cut it down. Both parties then retired apparently satisfied; but the Orangemen sent notice to their friends in the neighbourhood, to repair to their assistance. The Catholics, having heard of this, were not idle on their parts; a portion of them were well provided with arms and ammunition, but through the influence of some respectable persons they were soon prevailed on to go home. On their way, the Orangemen, who had assembled on the neighbouring hills, called upon the "cowardly Papist scoundrels," to return and meet them. The Catholics did so: one side was armed with muskets and fixed bayonets—and the others principally with scythes, pitchforks, spades, &c. One Orangeman was almost instantly killed, seven dangerously wounded. The slaughter of the Catholics was as great.

"Armagh again furnished ac-
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counts like these: "While a party of Orangemen were passing a Catholic chapel, the assembled Catholics attacked them, and the contest ended in the death of ten men." The county of Fermanagh assumed the aspect of open war. "A crowd of Catholics having assembled in the neighbourhood of Fermanagh, lord Enniskillen repaired to the spot, but his solicitations that they should disperse were ineffectual; and a false alarm being given to an Orange-lodge, which happened to be assembled, that the police had been attacked, some of the Orangemen sallied forth to assist them. When they approached the crowd, they requested a person, who seemed to be a leader, to make them disperse. This he promised; but instead of doing so, he beckoned the multitude on, when a body of about eight hundred Catholics, armed with pikes, scythes on poles, pitchforks, &c. attacked the Protestant party, killed one man on the spot, who had advanced to make peace, and wounded seven others mortally, three of whom afterwards died. The Catholics, to the amount of some thousands have formed an encampment on Benauglen mountain, and reinforcements are pouring in from the counties of Leitrim and Cavan. The whole country is in a state of alarm. The Roman Catholic houses are left desolate; the milch cattle are going wild with the pain of their milk, and no person to milk them; the military and the police are out continually; the country people are afraid to stir out, and the markets have not been supplied with potatoes for the last two days."

Similar was the state of Leitrim, Cavan, and Monaghan; over a great part of the country, it was

only the presence of the military that prevented open war. The Catholics seemed to believe, to the full, the representation which O'Connell had given them of the administration of justice. In several instances where death had occurred from the interference of the police, or from their resistance when attacked, trials ensued. But an acquittal, though proceeding on the clearest evidence that life had been justly taken from an armed aggressor, was uniformly ascribed by the mass of the Catholics to partiality. Still retaining the idea that the law existed only to be used against them, they took the task of retribution for imagined injuries into their own hands, and assumed arms to gratify revenge, in defiance of the law. Judges, juries, and the government, were equally laughed at by criminals, against whom no witness could dare to communicate what he might know.

In the county of Tipperary matters went to such a length, that a numerous meeting of the magistracy, assembled in the beginning of September, expressed an unanimous opinion, that nothing but the Insurrection-act would restore or secure the peace of the country. The meeting was not composed of jealous Orangemen; the greater number were of a very different way of thinking. Lord Landaff, the chairman, had been a strenuous supporter of emancipation. In the resolutions which they adopted, to be communicated to government, they stated that a large proportion of the community were in possession of arms—that bodies of armed men appeared at noon-day, for the purpose of obstructing the execution of the laws, and threatening the lives and properties of all who

attempted to oppose their illegal proceedings—that it was impossible to obtain information to convict the offenders, owing to a league of false honour, which pecuniary temptation could not conquer, or a system of terror, which served the same purpose, by the dread of a violent death. They resolved to call on government for a renewal of the Insurrection-act; that the Arms-act should be amended, in order to facilitate the discovery of hidden arms; that the possession of arms should be made a transportable offence; and that the number of military posts throughout the country should be increased. The Commander-in-chief, who attended the meeting, declined to accede to this last suggestion, on the ground that he could not prudently break up his force into small parties; however, it was afterwards adopted, to a certain extent, on being approved of by the Lord-lieutenant. The Insurrection-act could not be revived; for it had not been suspended, but had expired, and parliament was not sitting.

England, too, presented its scenes of lawlessness, produced, however, by very different causes. The depression in every branch of trade had greatly reduced the wages of the artisans employed in it. They, again, ascribed the reduction, not to the necessities of trade, but the avarice of their employers; and had recourse to their usual correctives, voluntary idleness, and the destruction of property. The example was set by the silk weavers of Spitalfields and Bethnal Green. They refused to work, except at an increased rate of wages; they made their way by night into the shops of workmen possessed of materials belonging to the refractory masters, and destroyed and

mutilated them. The webs in thirty or forty looms were sometimes thus destroyed in the course of a single night. The very persons, to whom the property of their masters had thus been intrusted, were suspected of being accessory to its destruction. Their tale, however, when examined before the magistrates, always was, that a number of people had come to their shops during the night, and by threats had compelled admission. The mischief done had not been equalled for sixty years. In former times, the leaders of such depredators had been convicted and executed: but, on the present occasion, the connivance of the men, in whose hands they destroyed the property, saved them from detection. The masters, seeing their property ruined without any means of protection or redress, entered into a negociation with a deputation of the work-people. When the latter were asked, what was the cause of such a destruction of property, they frankly answered, “the destruction now going forward is produced by the very low wages paid by certain manufacturers, and the weavers so destroying property have in view revenge towards their employers, and the ultimate attainment of such a price as will fairly compensate them for their labour;” and that price was the price that had been paid in 1824. The masters informed them, that it was impossible to give that rate as a permanent price; but, placed as they were at the mercy of men who had in their powers property to the amount of nearly 150,000*l.*, they acceded to their demands in the mean time; and the fury of the destroyers was appeased.

The same spirit next shewed itself at Macclesfield, the industry

of which had for some time been extensively employed in the silk manufacture. The majority of the workmen resisted a proposed reduction of prices, and compelled the hands employed in a large factory to leave their occupation. The latter felt the hardship of their situation, and wished to accept of the reduced rates of working, with the prospect of constant employment. But the committees would not permit their brethren to continue to labour on such conditions. They insisted on their leaving their work and starving on charity. Where three or four thousand persons, however, are concerned, patience on 5*d.* a week, could not long be preferred to constant work at something like adequate remuneration. But just as hopes began to be entertained that the resistance of the weavers was about to terminate, two delegates arrived from Spitalfields, charged with a mission of violence. One of them harangued the workmen and the members of the committees; advising them to stand out, as the only security against degradation. He assured them, that "the destroying angel was the best ally they had." He pressed upon them the necessity of bringing their masters to terms by a continued attack on their pockets,—he described the mode of cutting the silk out of the looms,—and advised them to adopt that means of damage and destruction,—he deprecated any public or riotous proceeding, the consequences of which would be visited on the hundred of which they composed a part, and pointed out to them the peculiar advantages of injuring their masters, either by permitting their silk to be cut, or by cutting it themselves—an injury for which

they could find revenge or redress only by expensive legal proceedings. The manufacturers, upon seeing this London reinforcement, struck their colours, resolving to give the prices demanded for a short time, and then to cease, rather than incur the destruction of their property by holding out for prices at which they could continue.

At Coventry, too, Nuneaton, and Bedworth, similar scenes were exhibited. In these places, engine-looms had been introduced, which enabled a man to produce four times as much as a hand-weaver with a single loom. The consequence of that was, a great reduction in the value of the hand-weaver's labour; and the consequence of that again was, that the hand-weavers refused either to work themselves, or allow other people to work. Occupying the bridges, by which journeymen carrying home the work of their employers must of necessity pass into Coventry, they stopped their march, and seized the property in their keeping. At nightfall they entered the city itself, and, by force, or by intimidation, extinguished all the lights in all the manufactories, and put an entire stop to business. Having framed a list of the prices which they demanded, they marched through the streets, presenting it to the masters for signature. They procured many signatures; for it was the easiest mode of saving property, for which there seemed to be no other protection. On those of their own class, who shewed a disposition to work, rather than starve, the ribband-weavers of Nuneaton and Bedworth inflicted a new punishment, which they termed "donkeying." They mounted the unfortunate artisan upon an ass, and paraded him through the streets,

of which they had the absolute possession, amid hootings, blows, and revilings.

Neither did the manufacturing districts of Yorkshire escape the contagion. In the end of May, the weavers of Barnsley followed the example which had been set shortly before by the silk weavers of Bethnal Green and Macclesfield, and forced upon their employers a list of prices. By August and September, however, the masters found it impossible to keep up to these prices. A reduction was proposed. The workmen immediately left their employment, and rioting began. They attacked the dwelling-houses of the manufacturers, in the neighbourhood; and, not satisfied with breaking the windows, in one instance they deliberately piled the furniture into heaps in the rooms, and then set the piles and the house on fire. The warehouses in the town were converted into a species of garrisons, being occupied night and day by armed men, for the necessary protection of the property which they contained. The houses of such weavers, as had taken out work at the reduced prices, were openly and repeatedly attacked; in some instances the assailants were repelled only by the use of fire-arms; but in all the workman found himself compelled by this "reign of terror," to return the materials of the work in which he had been so daring as to employ himself. The influx of military, and the apprehension of a number of the most active rioters, at length restored tranquillity.

The frequent recurrence of scenes like these checked the course of that sympathy which would otherwise have flowed freely towards the suffering artisans. Yet, lawless, mischievous, and foolish

as their proceedings were, a great deal of deplorable want lay at the bottom. The wages, which they received, were, in many branches of manufacture, miserably low. In a report drawn up by a committee of masters, who had instituted an inquiry into the condition of the work-people in Huddersfield, and the neighbourhood (where no acts of insubordination had occurred), it was stated, "it appears that, in the several townships occupied in fancy business, there are 13,000 individuals, who have not more than $2\frac{1}{2}d.$ per day to live upon, and find wear and tear for looms, &c. Whatever be the cause of such distress, it is feared that the agonizing condition of families so circumstanced, cannot long be endured. The difficulty of obtaining relief by the ordinary course, and the aggravating circumstances often attending applications for it, have a powerful tendency to drive the applicants ultimately to desperation. In laying these painful statements before the members of his majesty's government, and other influential gentlemen, the master-manufacturers wish to do it respectfully, impelled by a sense of duty which they owe to the government and the public, and especially to their workmen, who have hitherto borne their sufferings with extreme patience."

The only political occurrence which varied these scenes of outrage and distress, was a very peculiar Court-martial, arising out of the battle of Navarino. It was peculiar from the time at which it was brought forward, the motives in which it was supposed to have originated, and the backwardness of the prosecutor, who, having made the charge, was ordered to

support it. The present ministry were generally understood to think very differently from their predecessors regarding the battle of Navarino. While they admitted that admiral Codrington had done the country honour by the way in which the battle had been fought, they were far from thinking that it ought ever to have been fought at all. In this unsatisfactory state of feeling between the Admiralty and sir Edward, the emperor of Russia transmitted a second order to be worn by captain Dickinson, who had fought the Genoa, after her captain (Bathurst) fell in the action, and had since been promoted to the command of that ship. As captain Dickinson had already received an order from the same quarter, in common with the other officers engaged in the battle, the sending of this second order was supposed to originate in some mistake. When captain Dickinson applied to the Admiralty for permission to wear the order, the singularity of two being sent to him was observed; and the secretary of the Board wrote to sir Edward Codrington, requesting him to state, if he could give any explanation why this second order (of St. Vladimir) had been sent to captain Dickinson, in addition to that of St. Anne, which he had already obtained, and had received the king's permission to wear. In reply, sir Edward stated, that he supposed the mistake to have arisen from one order having been sent to the Mediterranean through the Russian admiral, without its having been known that another had been conferred in England through prince Lieven. This seemed to be enough,—but sir Edward did not stop here. He did not even satisfy himself with saying that captain

Dickinson had done no better than his brother officers; though no opinion at all on the captain's conduct was required. He went farther, and voluntarily stated, that he “had no reason to approve of the conduct of the Genoa from the time of the command having devolved on captain Dickinson.” The Admiralty immediately informed sir Edward, that they had refused their consent to captain Dickinson's wearing the new order, being convinced it had been sent by mistake. They added, however, “Their lordships sanctioned captain Dickinson's receiving the first order (like the other officers commanding ships in the action at Navarino), because he had succeeded to the command of the Genoa after the captain had been carried below; but, observing in your letter that captain Dickinson's conduct in those circumstances was not satisfactory to you, they desire you will state the particulars in which you saw reason to disapprove the conduct of captain Dickinson, in order that their lordships may judge whether it may be necessary to take any further proceedings with regard to him.” Sir Edward Codrington, in reply to this request, stated a variety of particulars in which he considered captain Dickinson to have fallen short of his duty. The Admiralty deemed them so grave, that they immediately ordered captain Dickinson to be tried by a Court-martial; and sir Edward Codrington was called on to prove his charges. Sir Edward protested against what he deemed so irregular a demand. He had made the charges, he said, only to prevent the Admiralty from being misled, by ignorance of facts, in the distribution of honorary distinctions; but that he had never

reckoned on being required to prove them by evidence before a Court-martial. He declined, therefore, having any thing to do with the inquiry, as one which he neither desired nor had instigated. This seemed to mean, that he was entitled to make, behind a man's back, private charges, ruinous to his professional reputation and hopes, but that he was in no respect bound to prove them to be true. The Admiralty of course could see neither the fairness nor the expediency of such a course. By ordering the Court-martial themselves, they had saved sir Edward from the ungracious situation of being formally the prosecutor ; but as the charges had come from him, in an official letter to the Board, they justly held him bound to substantiate these charges, by his own evidence, or that of others who might be able to support them,—the more especially as captain Dickinson denied every one of the imputations. After a great deal of backwardness on the part of sir Edward, in which he still maintained, that though he had made these injurious statements to the Board, he could not be called on to take any farther part in the transaction, the Board requested him to state distinctly, whether he was willing that the trial should proceed, on the understanding that he was bound to prove his allegations ; and if he was not willing that it should so proceed, they informed him that they would hold themselves left at liberty to consider captain Dickinson's conduct as free from all imputation, and would treat him accordingly. Sir Edward consented to proceed.

Captain Dickinson was accordingly arraigned before a Court-martial, held on board the Victory,

at Portsmouth, on charges bearing that, from not making proper use of the springs, ordered by the admiral, on the day of the battle of Navarino, to be placed on the anchors, the broadside of the Genoa was not directed to her regular opponent in the Ottoman line ; and that, in such a position, she could not fire any of her guns, except those of the stern and quarters, without endangering the Asia and others of the allied squadrons on her larboard side, and the Albion and others on her starboard side ;—that shot, which injured the Asia, and which came in that direction, were apparently fired by the Genoa ; and that the Genoa did positively fire into the Albion, although the Albion had an English ensign at her mast-head to prevent mistakes ;—that, captain Dickinson having been reproved by the admiral for not using the Genoa's springs, and having accounted for it by his inability to get the men from their guns for that purpose, it was nevertheless asserted in the ship's log-book that the springs were used ;—that the account of the battle given in the Genoa's log-book erroneously implied, that she had three Ottoman ships of the line opposed to her on her starboard side, three sixty-gun frigates on her larboard side and ahead, and a double-banked frigate astern ;—that captain Dickinson returned captain Bathurst as killed, and procured the surgeon's signature to that return, knowing that he did not die till many hours after the battle was over, and that he retained his faculties to give orders during the whole time of the battle ;—and that, by this mis-statement, he gained an honorary distinction, which might not otherwise have been conferred

on him—that the refittal of the *Genoa* for leaving *Navarino*, and engaging the batteries if requisite, was unjustifiably tardy, and that the same slackness prevailed on her way to *Malta*;—that the *Genoa's* mizen-mast was suffered to go by the board on the 21st, the day after the battle, for want of being properly secured;—that the *Genoa* continued firing after the battle was over, at the risk and to the probable injury of the allied ships, until hailed from the *Asia* to cease—that Captain Dickinson himself presented to the admiral a letter, in the nature of what is called a round-robin, purporting to come from the crew of the *Genoa*, and desiring the admiral to appoint him, in preference to any other officer, to succeed captain Bathurst as captain of the *Genoa*.

From the meeting of the Court till its final judgment, twenty days elapsed. A detail of the evidence will be found in another part of the volume. Captain Dickinson was honourably acquitted of all the charges, some of which were declared to be frivolous. The sending to the admiral the round-robin mentioned in the charges, was the only act at all questionable. Captain Dickinson, it was clearly shown, was not privy to its concoction; yet even to transmit it was wrong. But it was shown that he had very soon seen and acknowledged his error,—that the admiral had expressed himself satisfied, and, as a proof of it, had given up the document itself; and certainly it ought not now to have been revived, at the distance of nearly two years. The evidence furnished some excellent examples, in the person of sir Ed-

ward himself, of the little confidence that can be placed in a man's recollection of what he hears or sees, not merely during the hurry and confusion of actual battle, but even after it has ceased. One charge was, that captain Dickinson had returned his predecessor, captain Bathurst, as having been killed in action, whereas he had lived till next morning. Sir Edward stated positively that he had gone on board the *Genoa* in the evening, to see captain Bathurst; that captain Dickinson had conducted him down to the cockpit, and had been present at his conversation with captain Bathurst; and sir Edward stated it as a great gravamen of the charge, that captain Dickinson, having done this after the action, should nevertheless have returned captain Bathurst as killed during the action. It was clearly proved that sir Edward's memory was playing him false in all this. He had gone on board the *Genoa*, and visited captain Bathurst in the cockpit; but it was not captain Dickinson who received him; it was not captain Dickinson who conducted him down; captain Dickinson was not in the cockpit, nor present at the conversation. It was the first-lieutenant of the *Genoa* whom sir Edward had mistaken for the captain. As to the charge itself, considering that captain Bathurst was mortally wounded, most men found a sufficient answer in the fact, that the *London Gazette* of the battle of *Trafalgar* had announced lord Nelson as being killed in action, though he lived to order the fleet to anchor, after the victory had been achieved.

CHAP. VIII.

FRANCE.—*Embarrassed State of the Ministry—Attempt to introduce Prince Polignac—Partial changes in the Ministry—Meeting of the Chambers, and Speech of the King—Superiority of the Liberals in the Chamber of Deputies—Bills introduced by the Ministry to regulate the formation of the Municipal Councils in the Communes and Departments—Speech of the Minister of the Interior—The Chamber resolves to proceed with the Departmental Bill first, in opposition to Ministers, who are left in a Minority—Proposed Amendments—Division of Opinion in the Ministry—Amendment to increase the Number of Electors of the Departmental Councils lost by a small Majority—The Ministry withdraw both Bills—Impeachment of M. de Villèle abandoned—The Chamber of Deputies order M. de Peyronnet to be prosecuted for expending a Sum of Money without a Vote of appropriation—Difference between the two Chambers on this Subject—Bills for regulating the Customs, and continuing the Tobacco Monopoly—Distress among the Vine-growers, and Measures taken for their Relief—Finance—Discussions regarding Foreign Affairs—State of the Ministry at the Close of the Session—Immediately on the Close of the Session, the King dismisses the Ministry, and forms an Ultra-royalist Cabinet—Character of the new Cabinet and its Members—Unpopularity of the Ministry—Prosecutions of the Press—Associations to resist the Payment of Taxes, if Ministers should attempt to rule without a Chamber—Prosecutions on account of them—Unpopular Proceedings of the Ministers—Divisions among them—M. de la Bourdonnaye retires, on Prince Polignac being made President of the Council—Continued unpopularity of the Ministry—Transactions between France and Greece—Quarrel with Algiers.*

THE ministry, which, in France, had succeeded to Villèle and his unpopular colleagues, had received the support of the liberal party, not because it was the ministry which they would have desired, but because it was the best which, as yet, they could obtain. They trusted moreover, that, with its co-operation, measures would be carried, which, in future, would prevent power from coming into, or remaining long in, the possession

of men hostile to popular institutions. They did not place much confidence in its intentions, but they trusted greatly to the control which they could exercise over its hopes and fears. It was they who had given it existence; on them depended its duration. They were willing that the present ministers should remain in office, because their dismissal would only introduce an administration still less trust-worthy; but they were in-

clined likewise to insist that the ministers should remain in office only to further the views, and adopt the policy, of the party who had made them. On the other hand, the royalist party was still too strong, and the favour of the monarch towards their principles and their persons was much too manifest, to give the ministry any security against a sudden dissolution, if they blindly followed in the train of the popular leaders. Thus no party trusted them; what was worse, no party obeyed or was controlled by them. Instead of being a powerful government, compelling respect from all other parties by its own substantive weight, its intrinsic weakness reduced it to the necessity of occasionally seeking succour from both. It had to inquire, not what policy would be most pleasing to itself, but what was the policy that would be demanded by those on whom it was dependent. The popular party was now triumphant in the Chamber of Deputies, and the measures of the new ministry had hitherto partaken of a popular character. But the people believed that the new ministry had been friendly to the popular cause, only in so far as they could not safely venture to do otherwise; and that to insure the maintenance and progress of the popular cause, it was necessary that the popular party should continue to act, almost as if ministers were their opponents, and to force upon them such measures as the popular spirit might require.

The difficulties, with which the peculiar position of the administration surrounded it, were increased, in the beginning of the present year, by the retirement from office of the Count de Ferronay, the

Minister for Foreign Affairs, one of its most popular and respected members. Indisposition compelled him to withdraw from public life. His character and high connexions, the sacrifices which he had formerly made for the royal cause, and the zeal which he had recently evinced in support of the charter, his conciliatory temper, and the confidence which the moderation of his principles inspired into the court as well as into the people, had rendered him of infinite importance to the existing cabinet, because they gave him great influence with the parties whom it was necessary to manage. The jealousy of these parties made it a work of much embarrassment to find a successor. To name a candidate who was thought to lean to the court-party, immediately called forth a thousand denunciations against the ministry, as betraying the cause of the people; and to seek a minister among the liberals, was to rouse the wrath of the court and of the priests. About the time of Count de Ferronay's retirement, Prince Polignac, the French Ambassador at London, made an unexpected visit to Paris. It was immediately said, that the king had sent for him to fill the vacant office, and change the spirit of the too liberal cabinet. Count Portalis was charged with having sent the invitation unknown to his colleagues. The proposal, or the supposition, was received in Paris with loud dissatisfaction. It was objected to the prince, that he was a confirmed enemy of all popular rights; that he had been a partisan of Villèle, and would set up anew that minister's system of internal oppression and degradation; that he was a declared champion of the Congregation, and would lend all his influence to that faction of

bigots and Jesuits, which every good and wise man in France was labouring to keep down; that he was a creature of the English cabinet, and would conduct the foreign affairs of France only in accordance with the views and interests of the British government; nay, that the very scheme of making him a minister was nothing else than an intrigue of the duke of Wellington. The public voice being decided, decided the cabinet. The greater number of the ministers threatened to resign, if the royal nomination were insisted on; and Prince Polignac returned to London, but not until he had defended himself, in a speech delivered in the Chamber of Peers, against the accusations of the Press. His failure did not remove the difficulties of filling up the vacant office. It was given provisionally to the count de Portalis, who was keeper of the seals. In the month of May, he resigned the Seals, and became Minister for Foreign Affairs; a department for which it was doubtful whether he would be well qualified by those acquirements and talents which rendered him, in public estimation, an excellent Minister of Justice. He was succeeded in the latter capacity by M. de Bourdeau, under-secretary in the department of Justice. The nomination was not calculated in itself to displease the public mind; for M. de Bourdeau was a deputy of the left side, and had resigned his place as Procureur-General at the Royal Court of Rennes, rather than ally himself with Villèle's ministry; but the arrangement was not one which brought any accession of strength to the ministry, and only shewed how little they felt themselves at liberty to manifest a decided inclination towards either party. M. de Por-

talais belonged to the cabinet already in two capacities, and M. de Bourdeau in one. The former merely made a surrender of one of his portfolios to the latter, who was already performing, in the character of under-secretary, the same duties which he would now have to discharge as head of the department. The opposition insisted that the vacancy should have been filled by taking some man of character and influence from the popular party. If the ministry could not venture to seek even an accession of strength, or rather the mere reparation of a loss, by taking such a step, it proved that they wanted inclination to identify themselves with the liberals, or were willing to surrender their inclinations to their dread of losing office; and, in either case, they became equally objects of suspicion.

Before this arrangement, however, had taken place, the Chambers had been assembled on the 27th of January. His majesty opened the Session in person, and delivered from the throne the following speech.

“ ‘ Gentlemen,—I am happy in seeing you every year assembled round my throne, to promote, in concert with me, the great interests of my people.

“ ‘ This satisfaction is the more lively on the present occasion, as I have pleasing communications to make to you, and important labours to intrust to you.

“ ‘ My relations with foreign powers continue to be friendly. The assurances I receive from my allies offer me a pledge, that, notwithstanding the events which have desolated the East, peace will not be disturbed in the rest of Europe. To hasten the pacification of Greece, I have, in concert

with England and Russia, sent to the Morea a division of my troops. At the sight of some thousand Frenchmen, determined to accomplish their noble task, that celebrated country, too long ravaged, has been restored to peace and security. There, as at Navarino, the union of the flags has proved to the world the respect of the three crowns for the faith of treaties; and my soldiers take pleasure in recounting the sincere support which they have found in the English navy.

“ ‘ A formal declaration, notified to the Porte, has placed the Morea and the neighbouring islands under the protection of the three powers. This solemn act will suffice to render a protracted occupation unnecessary. I continue to assist the Greeks to rebuild their ruins, and my ships bring back to them those Christian slaves, whom the pious generosity of France has restored to their country and to liberty.

“ ‘ So many cares will not prove vain. I have reason to believe that the Porte, more enlightened, will cease to oppose the treaty of the 6th of July, and it may be hoped that this first arrangement will not be lost for the re-establishment of peace in the East.

“ ‘ The situation of Spain has allowed me to recall the troops which I had left at the disposal of his Catholic Majesty. My soldiers have returned to their country, after having received from the inhabitants of all the countries through which they have passed, testimonies of esteem and regret, due to their excellent discipline. Considerable sums have been advanced to the Spanish government: a convention has been signed to regulate the repayment of them.

“ ‘ The hope which I still retain of obtaining from the Dey of Algiers a just reparation, has retarded the measures which I may be obliged to take in order to punish him; but I shall neglect nothing to protect the French commerce from insult and piracy; and striking examples have already taught the Algerines, that it is neither easy nor prudent to brave the vigilance of my naval force.

“ ‘ Engagements contracted by an ancient French colony had ceased to be executed. After having convinced myself that this inexecution was the result of inability, I have consented to open with it a more efficacious negotiation for the interests of the colonies and of commerce.

“ ‘ Many of my subjects have suffered by the measures taken by the Emperor of Brazil in his war with the Republic of Buenos Ayres. Some of their vessels have been captured. The convention which I have just ratified, while it confirms, with respect to the right of blockade, a conservatory principle always maintained by France, ensures to them the restitution of their property, and an indemnity proportioned to their loss. On this occasion, as on all others, I owe praises to the French marine, which shows itself worthy of its noble mission.

“ ‘ The successive shocks, which have agitated some of the new states of South America, have left the political situation of those states uncertain, and rendered it difficult to form regular relations with them. The moment is doubtless not far distant, when I shall be able to give to those relations a stability advantageous to my subjects: meantime I have appointed consuls to watch over their interests.

“ ‘ Such, gentlemen, is the happy state of our relations with foreign powers. Whatever may be the events that the future reserves for us, I shall certainly never forget that the glory of France is a sacred deposit, and that the honour of being the guardian of it is the fairest prerogative of my crown.

“ ‘ Order and peace prevail in the interior. French industry, already so justly celebrated, is daily distinguished by new improvements. Some branches of our agriculture and commerce are suffering, but I hope that it will be possible for me to lessen the evil, if I should not be enabled to cure it.

“ ‘ The long inclemency of the seasons, and the unfavourable delay which the harvest experienced, awakened for some weeks the solicitude of my government. Distressing doubts with respect to the state of our resources have been speedily dispelled by more positive information. The subsistence of all is assured ; and if the price of corn, while it augments the prosperity of the landholders, increases for a moment the distress of the indigent, Providence has created beneficence to relieve those who suffer.

“ ‘ The press, freed from restraints, enjoys entire liberty. If licentiousness, its fatal enemy, still shows itself under the cover of a generous and confiding law, public good sense, which becomes more firm and enlightened, does justice to its aberrations, and the magistracy, faithful to its noble traditions, knows its duties, and will always fulfil them.

“ ‘ The necessity of placing the religion of our fathers in security against any attack, to maintain in my kingdom the execution of the

laws, and at the same time to ensure amongst us the perpetuity of the priesthood, have induced me, after mature reflection, to prescribe measures which I have felt to be necessary. These measures have been executed with that prudent firmness, which reconciles the obedience due to the laws, the respect due to religion, and the just regards to which its ministers are entitled. Communications will be made to you on the state of our finances. You will be happy to learn, that the estimates of the revenue for 1828 have been exceeded. This increasing prosperity has not relaxed the system of economy, in which my government must endeavour daily to advance farther, without, however, forgetting that useful expense is also economy.

“ ‘ Numerous labours will occupy the Session which is opened to-day. You will have to discuss a code which is destined for the army, and deserves serious attention.

“ ‘ The law on the endowment of the Chamber of Peers, and many other laws worthy of your whole attention, will be presented to you. A serious and important project will, above all, call for your solicitude. It has been long since acknowledged, that there is a necessity for a new municipal departmental law, the whole of which shall be in harmony with our institutions. The most difficult questions are connected with this organization. It ought to secure to the communes and to the departments a just share in the management of their interests ; but it must, at the same time, preserve to the protecting and moderating power which belongs to the Crown, the full scope of action and force which public order requires. I have

caused a project, which will be presented to you, to be prepared with care. I invite all the meditations of your wisdom to this project, and I confide the discussion of it to your love of the public good, and to your fidelity. Every day gives me fresh proofs of the affection of my people, and enhances the sacredness of the obligation which I have contracted, to dedicate myself to their happiness. This noble task, which you, gentlemen, will assist me to fulfil, must daily become more easy.

“ ‘ Experience has dispelled the charm of insensate theories. France, like yourselves, knows on what basis its happiness reposes, and those, who should seek it any where but in the sincere union of the royal authority and of the liberties which the charter has consecrated, would be openly disowned by it. You, gentlemen, are called upon to render this union more close and more solid; you will accomplish this happy mission like faithful subjects and loyal Frenchmen, and your efforts will be equally certain of the support of your king and of the public gratitude.’ ”

The first business to which the Chamber of Deputies proceeded—the nomination of the list of Presidents—proved, how completely the popular party had now triumphed. The Chamber presents to the king a list of five deputies, chosen by a majority of the members, from among whom he selects the president; and his majesty commonly fixes on the member who has been placed at the head of the list. On the present occasion, all the five members named belonged either to the liberal party, or to the ultras who had united with the liberals to overturn the former administration. They were M. Royer

Collard, M. Cassimir Perrier, M. de Berbis, General Sebastiani, and M. de Lalot. The first of these gentlemen, a distinguished liberal, had 175 votes; the last had 132. Of the candidates of the opposite party, M. Ravez, the former president of the Chamber, stood highest, but he obtained only 90 votes. The king named M. Royer Collard president. The two vice-presidents likewise, and the secretaries, were all chosen from among the liberal party, with the exception of one secretary, whom the minority were allowed to name. The Address, too, an echo of the Speech was carried by a majority of 213 against 8. The principal topics on which the orators insisted, regarded the boundaries and ultimate fate of Greece. The liberals blamed the ministry for having recalled the French expedition, before it had accomplished all the objects which ought to have been in view, and for having consented to confine the new state within too narrow limits. They assumed, moreover, that it was the policy of England which had crippled the efforts of France to make new Greece extensive and powerful; and that policy, again, was founded, according to them, on England's jealousy of a great naval state arising in the Mediterranean. They could not conceive that Britain, even though possessing Gibraltar, Malta, and the Ionian islands, could see without uneasiness a rival navy, consisting of one frigate and two steam-boats, supported partly by theft, and partly by charity, belonging to a country which could not maintain a building-yard within its confines!

The first measures, introduced into the Chamber by the ministers, were of a nature to merit public

confidence, and produce a very radical, but very desirable change in the internal political relations of the country. Nothing was more inconsistent with the habits of a people accustomed to the working of popular institutions, or more unfriendly to the spirit by which such institutions are intended to keep in life and exercise, than the mode of administration established in the territorial divisions of the country, the communes and departments. It was a system, under which the whole administration of all affairs, in every local district, was lodged in persons named directly by the Crown, which placed the authority of the remotest village in the hands of the minister of the day, and left towns, cities, and departments no shadow of self-government. No municipal body, no ancient corporation, no independent council, no delegation of the people, was interposed between the head of the government and the most minute or remote fraction of the monarchy. Every arrangement of local order, every movement of local authority, was the action of the supreme government, through its gradations of functionaries. Communes, districts, or towns, which had common property to manage, or common rights to protect, were obliged to intrust them to strangers nominated by a Royal decree, over whose conduct they had no influence or control. Thus, in all but times of general excitement, the government, by its prefects, sub-prefects, mayors, military governors, collectors of taxes, and other agents, had all the interests of the country within its grasp, and could direct the returns of the electoral colleges at their pleasure, thus rendering almost nugatory

the chief provisions of the charter. It was by wielding this instrument that so many unpopular measures had been carried; and the representative body, which it thus formed, in its turn placed the obsequious agents beyond the reach of punishment or shame. Hence the infamous scenes of open injustice, or mean trickery, which disgraced the elections, and so many of which had been exposed, after the universal outcry against the late ministry had rendered them all unavailing.

Ever since the Restoration, this system had been the subject of frequent and bitter complaint; but each successive administration had found it too useful to be willing to part with the influence which it bestowed. The triumphant party in the Chamber, however, now insisted upon changes more suitable to the spirit of free institutions, and better calculated to prevent the necessity of such struggles as had lately taken place. Immediately after the commencement of the session, M. de Martignac, Minister of the Interior, presented two bills, or projects of law, the one of which had for its object to regulate the internal administration of the communes, and the other, the councils of the arrondissements and departments. The general tendency of the measures was to make the councils, intrusted with these subordinate branches of administration, elective. The nomination of the prefects, sub-prefects, and mayors, was still to belong to the Crown; but the municipal and departmental councils were to be chosen by the communes and departments, to advise with the agents of government, and to control their operations. "In submitting," said the Minister who

introduced the bills, "in submitting to public discussion a system, which extends election and its consequences even to villages, we are not, unaware of the attacks to which it must be exposed. We can easily conceive that the changes, which are in preparation, may excite disquiet in some minds. It is natural that quiet-minded men should be pre-possessed against the inconveniences which may result from them. The movement which accompanies electoral meetings—the intrigues which mingle with them—the influence which ardent characters often exercise over them,—the embarrassment which may be created for the man invested with the royal delegation, by the habitual contact of a body which has a different origin;—in all this we confess there are just subjects for examination and uncertainty. We determined, however, on our course, because the time has arrived when the prudence of government, is at last apprised of the wants of society, as manners and institutions have constituted it. We determined on the measures, because they appeared to us to be just, and because we can always derive real strength from justice,—because we have found in the past, securities for the future,—and because reason appeared to us to be satisfied with the precautions by which we have surrounded the exercise of acknowledged right.

"It would be vain to attempt to conceal it from ourselves—the government, which our kings have given to France, has been adopted by her, not as a form—not as an illusion—but as a fruitful reality. The call of the citizens to the making of laws, the liberty of the *tribune*, and the liberty of the press, the progress of public in-

struction,—all these consequences of the charter have diffused among all ranks of our existing society a lively interest in the affairs of the country, and a sort of necessity of taking part in them by wishes, by writings, and by acts. This is true of persons of all ages, but particularly true of the generation which advances upon us, and which is going to succeed us. The men born under the old monarchy, and who have lived successively under the laws of the Revolution, under those of the empire, and, finally, under the government which Louis XVIII. bequeathed to us, adopted our institutions with love and gratitude, as we bless a harbour after a long storm. But their first impressions—their political education—their first steps in their career of life, were foreign to our new condition, and recollections of more than one kind still mingle with their adhesion to it. It is not so with the men who follow us. The latter have not seen the ancient monarchy. Its usages, and the disorders of the Revolution which succeeded its fall, are for them traditions, and almost history. Some pride of our military glory is the only remnant of the past, which they have seen. Their political instruction has been grounded upon our institutions, and their first impressions of the affairs of their country are blended with its new organization. Are you not, then, occupied with that host of men, accomplished, laborious, active,—whom publicity instructs and awakens—whom their social position, the feeling of their capacity, and the example of so many elevations as unexpected as theirs would be, impel towards public affairs by so many different roads? What means have you of satisfying

their natural and legitimate impatience? What part can you give them in the direction of the great interests of the state? Open to them a new career. Their commune, their department, have likewise interests to watch over and defend—plans of improvement to be carried into execution—important works to regulate—communications to extend. They are anxious to obtain honourable suffrages, they wish to be invested with the care of watching over the happiness of their fellow citizens. Give them the means of satisfying at home this noble ambition, and draw round them an honourable circle, within which they may find profit and glory. The movement of the general mind is difficult to restrain. Direct it with prudence, —divide it, so as to render its action less violent and pressing, and to turn it to the greatest advantage of the country. Concentrated in the heart of the monarchy, and tending to one common object, this increasing activity may lead to dangers : call it to different points, give it different aliments, occupy it with numerous cares, and you will be able at once to weaken it, and to render it salutary.”

These sentiments, and the measures which they introduced, were received with loud approbation in the Chamber, and by the public ; but no sooner had the measures themselves been remitted to committees, than difficulties and dissensions began to appear. Both committees were composed almost entirely of liberal members ; M. Dupin was the reporter of the committee on the Communal bill, General Sebastiani of that on the Departmental bill. The committees were well satisfied with the general principles on which the

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new laws were founded, but came to be of opinion, that they did not go far enough. And in their respective reports they proposed various amendments, the general effect of which was, to carry the elective principle and the controlling power of the elective bodies to a greater length than the ministers themselves had intended. As each of the bills embraced a whole system of local administration, comprehending immense detail, and as each of them possessed an interest which would invite to the discussion a great host of conflicting orators, apprehensions were entertained that both of them could not be carried through the legislature during the present session. The popular party, at the same time, considered them as of very unequal urgency ; they held the most momentous object to be, to rescue the departments from the hands of the Crown. It therefore became a question of some importance, to decide which of the measures should be first taken up. Ministers and their friends proposed that the Communal bill should be first discussed ; the liberal party, and the ultra opposition, insisted that the preference should be given to the more important law for regulating the Departments. On this question a debate took place, after the reports of the two committees had been read. It terminated in the defeat of the ministerial party, the Chamber having resolved to proceed with the Departmental bill.

This failure of the ministry, in a matter apparently so insignificant as the mere order of time in which the bills should be discussed, did not in itself threaten any serious consequences ; but it shewed that they would no longer

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be the masters of their own measure, now that it was in the hands of the Chamber ; that it must take such a form and complexion, as the liberals might think fit to impose upon it ; and that the liberals, even in this seemingly unimportant vote, acted from a jealousy of the ministers, to which the latter had perhaps given some occasion, by imprudently trying their strength, in attempting to give precedence to the other, and less important, proposition. The amendments proposed by the committee brought on a much more serious and dangerous collision. No amendments were proposed, but such as were unanimously adopted by its members. They even attempted to come to an understanding with the minister regarding such amendments as might be admissible ; and they probably might have sacrificed some of their opinions, if ministers had consented to give up the most vicious parts of the bills as originally framed. But M. de Martignac was inflexible. He had obtained, he said, from the king, every concession which his majesty had determined to grant, and, if more were required, he threatened that the bills would be withdrawn. The committee, thereupon, followed out its own principles, and introduced such amendments as it deemed proper. These were principally directed to make the provisions of the bill fitter instruments for securing its ostensible object ; for, although the measure, when first proposed, had gained universal applause, its detail, when it came to be taken to pieces, was found to be so arranged and combined, as to render it a much more imperfect remedy than the country was inclined to accept. While the committee determined to insist on

its amendments, the ministry was divided. One section was of opinion, that government was bound to realize the intentions expressed in the Speech from the throne ; that, therefore, instead of withdrawing the bill, the amendments should be adopted, and a close alliance formed with the left side of the Chamber. The other ministers, and the king, were opposed to concession, and wished rather to govern by the support of the right. They trusted that Villèle's party would adhere to them in the contest, since that party were the most determined opponents of all popular measures, and had most to dread, if power should come to be lodged in the hands of popular men. But in this, too, they were disappointed : for, although Villèle's friends were the enemies of all measures except their own, they were the enemies, likewise, of all ministries except their own. Whatever tended to drive the present Cabinet from its place, gave them a chance of returning to power. Accordingly, when the Chamber divided on the question which of the bills should be first discussed, the Villèle party, to the dismay of the ministers, voted with the left side.

When the discussion of the bill took place in the Chamber, the great question turned on an amendment of the committee regarding the persons who should be entitled to vote for the members of the departmental councils. To quiet the alarms of those who entertained a horror of elections and popular assemblies in every shape, the ministers had fixed on a qualification, so high in point of property, as precluded the hazard of democratic turbulence and encroachment. But for this very

reason the liberals opposed it. This franchise, they said, was much narrower than that which the constitution required in the elections of deputies. It was absurd to say that certain classes of the citizens might be safely intrusted with the election of the men who were to decide on all the great interests of the empire, and that nevertheless they could not safely be allowed to choose the persons who were to give advice, or exercise control, in managing the affairs of a department—matters to which they were infinitely more competent. To legislate on such a principle was not to follow out the spirit of the constitution, but to retrograde both from its spirit and its letter. The committee accordingly had proposed as an amendment, that all persons, qualified to vote in the election of deputies, should be entitled to vote in the election of the members of the departmental councils. The amendment was supported by members of very opposite principles. The liberals supported it, because the original bill was not sufficiently popular; the ultra royalists joined them because the very principle of the original bill was, in their estimation, dangerously popular, and the minister himself had told them, that the best way to defeat the measure altogether was to render it more popular and dangerous still. They inveighed against it as the commencement of a Revolution; they maintained that it was inconsistent with the charter, which reserved to the king the nomination of administrative councillors; that such bodies of elected councillors would destroy the power of the prefects, control the royal prerogative, mischievously interfere with the inde-

pendence, or despotically away the votes, of the legislature, and ultimately endanger the public liberties, by overturning that balance of power on which their permanent preservation depended.

After a protracted and very keen debate, the result of the division was, that the amendment was lost by a minority of only 28; 167 deputies having voted for it, and 195 for the original proposition.

The ministry, now convinced that they could not resist the coalition opposed to them, immediately withdrew both bills. This was a fatal blow to their influence with the popular party. That party had never trusted them; it now denounced them as having framed their whole management regarding these measures with a view to their ultimate failure. One part of the conduct of the ministry gave some countenance to the charge. They had threatened that, if the amendments were carried, they would withdraw the bills, and leave matters on their old footing. Such a termination, they knew well, was all that the ultra-royalists desired; in doing so, therefore, they bribed the latter to make common cause with the liberals, in order that those amendments might be carried, which, it had been declared from authority, would give the ultras all they desired, viz. the total defeat of these measures of improvement. Nor were the popular party free from the blame of imprudence in throwing away much that was offered, because they could not obtain all that they demanded. They ought to have taken warning from the assurances of the minister, that government could go no further, and to have accepted the

boon tendered to the country, though not precisely commensurate with their theoretic views of perfection, instead of joining their own sworn enemies, and those of the Cabinet, in arresting a course of beneficial policy. This was not the first time that the liberal party had retarded the improvement of their imperfect institutions, and endangered the 'vantage-ground already gained, by impracticable obstinacy, or inconsiderate impatience. Most of them, on the present occasion, admitted that the proposed measures would have introduced a great amelioration into the existing system. Why, then, did they not agree to accept of an acknowledged benefit, though it did not go to the full extent of their wishes, rather than incur the certainty of delay, and the risk of failure, by substituting a project of their own? Was it necessary to have every thing at once, or to refuse every thing? The liberals probably did not believe that the threats of the ministry would be carried into execution, or that the Cabinet would come to so open a rupture with a party, without whose aid it seemed to them impossible to carry on the government. The ultras were the only persons who enjoyed a triumph; for the necessary result was, the continuance of the system which had been so long and so loudly complained of. The ministry, unable any longer to reckon on the hearty support of the liberals, found themselves more than ever compelled to govern by yielding now to one party, now to the other. They could not venture on a dissolution of the Chamber, for there could be little doubt that the liberals would triumph at the elections. Their only hope

was, in trying to form a party out of the centres, or more moderate members, of both sides; but they wanted influence to form such an union; and even when something like it appeared, it gave them only so small a majority, as left them in a state of perpetual insecurity and embarrassment. They and their measures were at the mercy of two great parties, both of which equally distrusted them, and over neither of which had they any control.

During the previous session, certain measures had been adopted by the Chamber of Deputies, pointing at an impeachment of the late minister, M. de Villèle; and the further procedure in them had been delayed, till the present session. M. Labbey de Pompières, who had first moved the impeachment, now renewed it. But, after a good deal of discussion, the articles of impeachment were withdrawn, and that, too, with the concurrence of the liberals themselves. The renewed impeachment had been brought forward, about the time when the Communal and Departmental bills were laid before the Chamber. The constitutional party saw the impossibility of bringing to a termination both the trial of the late ministers, if it had commenced, and the discussion of these proposed laws. They wisely chose to abandon the former, rather than risk the loss of the far greater public good involved in the latter.

One of M. de Villèle's colleagues, however, did not escape so easily. During the discussions on the budget, a committee, appointed to examine a branch of the public accounts, discovered that Peyronnet, the ex-minister of Justice, had made certain al-

terations in the buildings and furniture of his official residence almost immediately before he had been driven from it. For this service a sum of 180,000 francs (upwards of 7,000*l.*) was inserted in the budget; and this expenditure had been made without having been authorized by any previous vote of the Chamber. The committee reported in very severe terms on the illegality of the minister's conduct, and recommended that a demand should be made for restitution, as the expense had been incurred on his own responsibility. The Chamber accordingly, while it agreed to the vote of credit, thereby authorizing the debt to be paid to the parties, to whom it had been contracted, introduced an amendment, by which M. Peyronnet was ordered to be sued in a court of law for re-payment of the amount. In the Chamber of Peers, however, this amendment was rejected, and the expenses of the ex-minister were ordered to be paid without any modification. It was necessary that the bill, since it had been thus altered, should again receive the sanction of the lower Chamber; but when it was brought before that body, the deputies, by a very large majority, refused to accede to the change introduced by the peers, and passed the bill only in its original form. No occurrence could shew more strongly the inability of the Cabinet, to carry through any stable and uniform system of policy, or the jealousy which the king and his friends entertained of the policy of the constitutional party,

After the loss of the bills for regulating the administration of the communes and departments, the session lingered on without any discussions or propositions of

much interest. The ministry were anxious to terminate it as soon as possible, for they were now exposed to incessant reproaches and attacks from the constitutional party, to whose efforts they were indebted for their power, and whose interests they were accused of having betrayed. The most important subjects brought before the Chamber were those which related to the trade and finance of the country. In the preceding year, M. de Saint-Cricq, the Minister of Commerce, had obtained the appointment of a commission to inquire into various questions connected with the revenue. He now introduced a bill for the regulation of the customs, the leading principle of which seemed to be, that the existing system, which was for the most part one of prohibition and exclusion, could not be materially altered. He did not absolutely propose a commercial non-intercourse act, or a total prohibition of all foreign articles or commodities produced in France; but his amount of duties, instead of being regulated by considerations of revenue, was constructed on a supposed necessity of maintaining every kind of manufacture or industry on its present scale of encouragement and protection. "In the present state of French industry," said he, "in the presence of so many interests which are involved in it, we ought to adhere to a reasonable system of protection,—that is, on the one hand to protect efficiently the labour of the country, and on the other, to apportion carefully to every kind of industry the quantity of necessary protection, with a view to the losses which an excessive protection might occasion." He allowed that the vine-growers were suffering from the want of a market for their produce,

and that foreigners could not become their customers, unless France admitted iron, or some other commodity, to pay for the wine; but he added, that the advantage would not be great, because the domestic manufacturer of iron would be thrown out of employment, and thus the home market for wine would be narrowed in the same proportion that the foreign was extended. He proposed, however, some slight changes in the present system; and one of these modifications was a reduction on the duty of imported iron. The reduction was not great, and even its partial operation was not to commence till the year 1835. France, in short, seemed to be by no means prepared for adopting the principles of commercial policy which had been followed in Britain.

In France, as in many other continental countries, the Crown enjoys a monopoly of the tobacco trade. It is managed by the commissioners of indirect taxes. Their agents purchase the plant, manufacture it, and sell it to the public. This departure from the usual principles of trade, and sound financial regulation, was justified on the ground, that under no other mode of management could the same article be made to yield the same amount of revenue. The produce of the monopoly was stated to be 45,000,000 francs (nearly (2,000,000*l.*)); and the minister of finance calculated, that he could not raise more than a third, or a half, of that sum by any tax on the manufactured article. He demanded that the monopoly should be continued for eight years; but the Chamber, while they refused to abolish it entirely, restricted the period to four years.

A great number of petitions were presented to both Chambers

from vine-growers in the different provinces, setting forth the depression under which the wine trade laboured, and praying for relief by alterations in the existing laws. The number of separate petitions referred to a committee was seventy-two, bearing upwards of 60,000 signatures. The department of the Gironde alone sent up a petition signed by 20,000 proprietors; and this department was joined by all the districts in the middle and east of France. These petitioners complained of the low prices of their produce—of the stagnation of their trade—of the entire disappearance of their profits, accompanied by a frightful diminution of their capital—of the accumulation of debt—of the approach of ruin. They declared that, if a prompt remedy was not applied, they must abandon their vine cultivation, and allow their land to lie waste. The price of most wines did not now exceed 4 francs the hectolitre (about ten gallons), or about three-farthings a bottle; and for a very small quantity of the best quality, only 9 or 10 francs could be obtained. In most places the wooden cask or barrel containing the wine, was worth more than its contents, and the wine-growers offered to exchange the one for the other. The proprietors of the Gironde had in their cellars 700,000 pipes, for which they could obtain no sale. Their distress they ascribed chiefly to two causes—the fiscal burthens which diminished consumption at home, and the commercial regulations which restricted their intercourse with foreign markets. The government duties on domestic consumption were of five kinds—*duties of circulation*, imposed on wine destined for individual use; *duties on entry*, varying accord-

ing to the class of department, or size of town, in which the wine was sold; *duties of retail*, which were fifteen per cent on its value; *license duties*, paid by the merchant or retailer for a license; and *duties of town customs*, levied upon it by municipalities for local purposes. These duties were levied by rules and formalities which rendered them still more oppressive. The local or municipal duties were often heavier than those of the government. At Lisle a tax of fourteen francs the hectolitre was levied on wine, the original cost of which was only four. The whole amount of this local taxation over the great towns of the kingdom was about 80,000,000 of francs, or 1,200,000*l.* sterling; and the government and local duties together, over the whole kingdom amounted to 180,000,000, or 5,200,000*l.* sterling. In Paris a hectolitre of wine paid, in municipal and national taxes, twenty-one francs, or about 4*d.* per bottle.

The petitions were referred to a committee; and, upon its recommendation, they were remitted to the minister of finance, who undertook to propose a remedy, if the causes of the distress proved to be such as admitted of a direct cure. He soon after introduced a bill for reducing the excise duty on wine. The director-general of the indirect contributions, of which the vine-growers chiefly complained, when stating the grounds, and explaining the details, of the measure, denied altogether that the distress complained of was attributable to excessive taxation. The proprietors of vineyards no doubt found great difficulties in disposing of their produce; but the glut was owing to causes distinct from government duties. The great ac-

cumulation of wine in the cellars of the proprietors had been produced by abundant vintages, combined with other circumstances of a temporary or accidental nature. These circumstances he stated to be, the increase of the land under vine cultivation,—the means employed to augment the quantity of wine at the expense of its quality,—the minute division of landed property favourable to the extension of vine-yards,—the use of other substances besides wine in the distillation of brandy,—and the diminution of wine-drinking in certain classes of society. The remedy for those evils was to be expected more from the increasing prosperity of the country, and the increasing facilities of communication, than from any diminution of duties; but, in the mean time, government expressed a disposition to try the latter experiment. A large reduction could not be expected, as the state was not in a situation to surrender any great part of the revenue derived from the duty on wine and other excisable liquors. In looking for the most likely mode of stimulating consumption by reducing duty, it was thought best to cancel that portion of the excise which was levied on wine at the gates of towns. This duty was often evaded, while the means employed for its collection imposed restrictions on trade disproportioned to its produce. The alleviation of the tax would amount to about 15,000,000 or 16,000,000 francs, or more than 600,000*l.* sterling. From the mode in which the excise on liquors was apportioned on towns of different amounts of population, Paris alone would be benefitted by the remission to the amount of half the whole reduction.

The cloth manufacturers, likewise, presented petitions, complaining of the progressive decline of their manufactories, and praying for a more efficacious protection than was afforded by the existing law of the customs, that is, for higher or prohibitory duties on foreign articles. On these petitions, however, no ulterior measures were founded. In truth, the exclusion of manufactured articles seemed already to be as complete as could well be practicable. From a statement of the imports and exports for 1828, published by the government, it appeared, that the whole importation of manufactured articles amounted to only 38,323,551 francs, or about a million and a half sterling. The total value of the imports amounted to 607,677,321 francs, or about 24,320,000*l.*, and the total value of the exports to 609,922,632 francs, or about 24,400,000*l.* In this trade were employed French shipping to the amount of 346,591 tonnage, and foreign shipping to the amount of 527,531 tons. The colonial trade was extremely limited, not exceeding in exports 2,100,000*l.*, and in imports amounting to 67,267,242 francs, or 2,692,000*l.* sterling.

From the statements of the minister of finance, it appeared, that the revenue of 1828 had fallen greatly below the expenditure, although the difference was produced not so much by any positive defalcation of income, as by extraordinary sources of outlay. The revenue for that year had been 982,758,694 francs. The votes of credit for its service had been 964,028,233 francs; but it now appeared, that supplementary credits, to the amount of 71,387,319 francs would be required; thus

raising the expenditure for the year 1828 to 1,033,415,552 francs, or upwards of 41,000,000*l.* sterling. In this large excess of expenditure over income, were included the charges of the occupation of Spain, of the expedition to Greece, of the blockade of Algiers, and of the fleet sent to Brazil. For the present year the minister calculated that last year's estimates of expenditure would be exceeded, in the Department of War, by 31,000,000 of francs, in the Department of Marine by 18,000,000 of francs, and in the Department of Foreign Affairs, by 3,500,000 francs, making a total increase of more than 2,000,000*l.* sterling. He proposed to fix the votes of credit for the ensuing year (1830) at 977,935,329 francs, or about 39,000,000*l.* sterling. The revenue to meet this charge was stated at 979,352,224 francs, being a very small excess over the expenditure.

Before the end of the Session, however, the ministers found that they had greatly under-rated the probable expenditure, and applied for an additional vote of 52,000,000 of francs, or 2,000,000*l.* sterling. The committee, to which the project of law was referred, recommended an additional grant, but that the sum should be reduced to 42,000,000. The whole amount demanded, however, was carried by a majority of 46 votes. It was distributed among the three departments of war, marine, and foreign affairs. The minister of war had at first intended to make a saving of about a million sterling, by disbanding a portion of the army for certain months in the year, but this idea had been abandoned. The greater part of the new credit was absorbed in this branch of the service. The additional claims of the navy were

reduced to 3,000,000 of francs, two-thirds of which were required for the purchase or construction of steam-vessels.

"We," said M. Hyde de Neuville, the minister of marine, "have but nine steam-vessels; England has three hundred and thirty-eight." Surely the minister was not so ignorant as to believe that these vessels were public property, or formed any part of the means of national defence; yet even this might be credible, looking at the language, regarding this country, in which some of the members indulged. A general Lamarque said, that, in the event of a war with England, the first object should be to attack her commerce at all points; in which he was perfectly right, if he had only shewn how so desirable an object was to be successfully attained. "If," continued the general, "the attack directed against commerce should not be sufficient, the enemy must then be grappled with hand to hand, and for this steam will afford the means. Steam seems destined to establish equality on the seas, as gunpowder has on land. It will render useless naval tactics, of which Tourville was the inventor, but which have proved more advantageous to our neighbours than to us. It will set aside the advantages of a windward position, of breaking the line, or doubling a line, and of all those complicated evolutions, which, at Saintes, Aboukir, and Trafalgar, secured to our rivals triumphs which our mariners might otherwise have wrested from them. Naval battles will perhaps become what they were in the time of the Romans—contests in which intrepidity, address, physical force, and numbers will give the victory. Ah! had not he who, from the

heights of Boulogne, so long threatened England, rejected the offers made to him for four years by the American Fulton, it would not have been as a captive that he would have visited the banks of the Thames. Other destinies would then have been reserved for the world, and had Providence, which has willed that France should be free, brought back amongst us the ancient race of our Kings, they would not have returned with a foreign chief, who, stripping our museums, violating capitulations, trampling on our national pride, proved to us, as Closterseven proved to our fathers, that the traditions of Punic faith had survived Carthage." It was a great deal to find a Frenchman admitting, as general Lamarque here expressly did admit, that his countrymen were no match for their adversaries in manœuvring a fleet. But when he spoke of steam neutralizing superiority of tactics, and giving naval combats a "Roman" character, he must have meant, if he knew what he intended to mean, that a close combat, hand to hand, would give French seamen a better chance for victory. Now it would have puzzled the general to have discovered, from the naval history of the two countries, that a French man-of-war was peculiarly safe when laid alongside of a British antagonist; that British captains had ever avoided that "Roman" juxtaposition; or that British seamen were more formidable when cannonading from a distance, than when springing from the chains with their cutlasses and boarding-pikes. Yet such absurdities were patiently listened to by the French legislative body.

In other branches of the public service, the opposition, who, by

this time, in consequence of the fate of the Departmental bill, had lost all confidence in the ministry, struggled hard for reductions of expenditure, and, in some instances, were successful. A diminution was effected of 70,000 francs on the central administration of foreign affairs; 121,000 on diplomatic agency; 100,000 francs on retired pensions; and 250,000, on various other heads of charge. A motion to strike out of the estimates a sum of 60,000 francs, being the amount of the pensions of 12,000 francs each, granted to five of the old ministers, MM. de Villèle, Peyronnet, de Corbière, de Chabrol, and de Frayssinous, three of which had been granted on the day the ministers retired from office, and the other two the day after, was lost only by a very small majority. A strong, but unsuccessful, opposition was likewise made to the vote for the salaries of the Councillors of State; and even the utility of that institution was called in question.

Foreign affairs came into discussion only incidentally, and the chief topic of remark was the situation of Greece. The expedition, which had been sent out from France during the preceding year, had attained its object of compelling the surrender of those fortresses in the Morea, which still remained in the hands of the enemy. The opposition, however, whose distrust of the government was daily increasing, reproached it with having limited its demands in favour of Greece within too narrow bounds. In particular they complained of the intended provision, by which Turkey was still to be the *suzerain* of Greece, and was to exact, as such, an annual tribute, and of the rumoured negotiations by which

the territory of the new state was to be defined. They accused the ministers of having betrayed the cause of humanity and civilization by consenting that Attica should be excluded; and when assured that no such consent had been given, they still insisted, that even a boundary, which should include Attica, would be too limited. What precise boundaries they themselves would propose, they did not state. They overflowed with vapid declamation about sacred and classic soils, and heroic ruins defiled by the feet of barbarians, but they descended to no sensible or statesmanlike view of what was politically practicable and desirable. The ministry satisfied themselves with declaring, that they were doing, and would do, nothing, but what would tend to fulfil the treaty of 6th July, 1827, between the three great powers, according to its true spirit. They had made all the use of the military expedition which had been intended; and they could see no reason for proceeding with hostile operations, while there was a prospect of obtaining from Turkey, by negotiation, all the concessions which could reasonably be demanded.

A Neapolitan, of the name of Gulotti, who, having rendered himself obnoxious to his own government by political offences, had taken refuge in France, was delivered up at the request of the Neapolitan diplomatic agents, and hurried back to Naples to be executed. This occurrence excited immediately intense interest, and raised against the ministry one loud voice of indignation, both in and without the Chambers. When the matter, however, came to be explained, it turned out that the Neapolitan government had been

guilty of a very mean deceit, and that the French ministry were blameless of the disgrace which otherwise would have attached to their conduct. They knew nothing of the political offences which had compelled Gulotti to flee from Naples. When the Neapolitan government applied to have him given up, they made the application on the ground that he had been guilty of an ordinary crime against individuals, to which the law of nations does not extend any protection, and they even laid before the French minister the judicial documents which seemed to prove that such was truly the case. All this, however, had been mere contrivance to get the man into their power. The order for delivering him up had scarcely been issued, when the truth was discovered. The order was immediately revoked; but the revocation came too late; Gulotti had been carried off to Italy without a moment's delay. Neither did the French government lose a moment: a special courier was instantly dispatched to Naples, and arrived just in time to save the life of the unhappy prisoner. This transaction, therefore, scarcely afforded any just ground of blame against the ministry. "I myself," said M. de Portalis, the Foreign minister "I myself was compelled, early in life, to abandon my country, and follow my father into exile, on account of what were called political offences. The men, who then ruled France, demanded that the exiles should be given up; and we saved ourselves only by a hasty flight. The recollection of that event is never absent from my memory. I would rather see that hand withered than use it to present a report to the king, sanction-

ing the surrender of an individual for any political offence." Benjamin Constant insisted, that, as the Court of Naples had been guilty of deceit, all diplomatic intercourse with it ought to be broken off.

The Session of the Chambers was closed on the 31st of July, and it closed amid far less friendly and encouraging feelings than had attended its commencement. The hopes of the constitutional party at its opening had been high. The conduct of the ministry during the preceding year, and the belief that it would seek no aid but what was to be found in the support which they themselves could bestow, had led them to anticipate, that they would find it willing, for its own interest, to co-operate with them in carrying through the measures which seemed necessary to secure and to consolidate popular rights. The commencement of the session itself had seemed to justify these anticipations. The sentiments expressed in the Royal Speech breathed a most friendly spirit towards constitutional liberty, and the regulation of the departments and communes was the most important step that could be taken in the path which they were eager to pursue. These hopes had now ended in nothing. Liberal declarations had produced no successful act of liberal policy; the very laws which promised so much had been sacrificed by the ministry which brought them forth. The conduct of that ministry in regard to them had betrayed any thing but unwillingness to see them defeated altogether. So anxious had it been even to delay the practical good to which they might lead, that it had sought to procrastinate, at the expense of risking, and suffering,

a defeat in the chamber. It had shewn that there was an influence which it feared and respected more than it did the withdrawal of the confidence of the popular party; and to that party the only practical result of the session was, that the ministry would abandon them, whenever it could do so with safety; that the government would grant nothing, which it could successfully refuse, and that their policy had not any chance of being carried into effect, except in so far as it might be literally imposed upon the Cabinet by the firmly-expressed voice of the legislature.

In these circumstances it seemed impossible that a ministry, which had no stable foundation of its own, could continue to stand. Though several of its members were well-informed and able men, they possessed no influence beyond that of their official and personal character. They had no fixed majority in the Chamber; they were not the authoritative representatives of any great party or interest in the state; they did not enjoy the confidence of the Court; they had now lost the support of the country, which had been given them only on condition that they should resist the Court. When they had resolved on any important measure among themselves, they could not reckon on the countenance, either of the king, or of the legislature, to carry it into effect. Hence they had to explain their conduct in one manner to the Court, and in another to the Chamber; to submit to the will of the former in matters which they could not well defend before the latter; to make liberal declarations in the tribune, and follow them up with measures which bore the impress of the

Thuilleries. Hence they presented projects of law on important matters, and after mature reflection,—which they were forced to withdraw in alarm and precipitation,—and to submit to see their power resisted or counteracted by their own agents, because these agents were countenanced by an authority, which, with safety to their places, they could not oppose.

Such was the state of weakness, to which the Cabinet had been reduced by the general want of confidence in its consistency and stability—such was the provisional and uncertain nature of its existence, that no reliance could be placed on any intentions which it might announce regarding either foreign policy, or internal administration. The country was going on almost without a government—and all this simply because the ministry had no decided system of policy of its own, but was living from hand to mouth, on such scraps as the two great contending parties allowed it to pick up. Having lost all favour with the popular party, it had lost the only quality which had ever made it tolerable to the Court. Its creation had been submitted to as a necessary act of compliance with the public voice, and in the hope that it would silence the clamours, without conceding many of the demands, of the country. Its inherent weakness, however, and the distrust and resentment excited by its too evident preference of the politics of the Court, had now rendered it impotent for any such purpose. Even if its members had been willing to retain their places by adopting openly and decidedly the royal party, to which in heart they had always been attached, they were not the men to form even a Court

ministry. If a Cabinet was to be formed on these principles, there were statesmen at hand of infinitely greater influence, and who would at least be free from the reproach of inconsistency.

By the time the Chambers rose, therefore, an universal expectation prevailed that the ministry would be changed. This expectation was increased by the return of Prince Polignac to Paris, a few days before the session closed. The public was not long kept in suspense. The session was closed on the 31st of July; on the 8th of August appeared a number of royal ordinances, appointing a new ministry. Prince Polignac was made Foreign Minister, in place of M. de Portalis; Courvoisier, Procureur-general in the Royal Court of Lyons, became keeper of the Seals, in place of Bordeau, who had enjoyed his dignity scarcely a couple of months; de Caux was succeeded, in the war department, by General Count de Bourmont; Admiral de Rigny, popular by having commanded the French fleet at Navarino, was named Minister of Marine, in place of Hyde de Neuville; the Ministry of the Interior was taken from Martignac, and given to Count de Labourdonnaye; Baron de Montbel was appointed minister of Ecclesiastical affairs and Public Instruction, and Grand Master of the University of France; the Finances were conferred on Count Chabrol de Crousol, instead of M. Roy; and the Ministry of Commerce and Manufactures was suppressed, its functions being transferred to the department of the Interior.

No event, since the restoration of the Bourbons, had called forth any thing like the tempest of reproach and opposition, which was

excited throughout France by the announcement of these ordinances. The country had expected a change, and probably did not expect, from the temper of the Court, that the popular cause would gain by the change; but still less had it expected the selection of a ministry deemed so openly and bigotedly adverse to every thing that the country desired, and comprehending so many objects of public distrust or detestation. All the new ministers belonged to the extreme right—to that party which the public had set down as the steadfast friends of the extension of irresponsible power in politics, and of spiritual domination in religion. The public voice did not wait, till the Cabinet had declared its intentions, either by acts or declarations; the character of its policy was assumed as certain from the known character of its members. All the leading journals, not merely of the capital, but likewise of the departments, combined in one bitter and continued attack upon the new selection of ministers, as being a plain proof that the king had determined to conduct his government on principles hostile to constitutional liberty; that the policy and practices which, not two years before, had roused the public indignation, and driven Villèle into retirement, were to be renewed; and that an obstinate resistance was to be offered to all those ameliorations, which the wishes and the opinions of the country demanded. By this act it was said, the bond of amity and confidence between the monarch and his people was once more broken; the Court with its ancient and rancorous feelings—the emigrants with their prejudices—the priesthood with its hatred of liberty—had once more interposed

betwixt the country and the king. The struggle was about to be resumed, and with greater energy than ever, between general and privileged interests, between the friends of the charter and the instruments of oppression, between the principle of good and the principle of evil. The faction, which had been conquered at the late elections—which had found itself opposed and crushed by the immense majority of the nation—which represented the opinions of another age—devoted to despotism, if despotism was only placed in its own hands—had been again intrusted with power, and that power they were to employ against the growing intelligence, and undoubted rights, of the community. It was good that matters had been carried so far, that the Court had taken so decided a part, and had thereby marked out so distinctly the position which the Country ought to assume. In the presence of such men, every one immediately knew what he ought to do; and even the most yielding conscience would no longer be able to discover any pretext or excuse for refusing to resist. The ministry would find its supporters among all who had been most distinguished for their hatred of public opinion, and free institutions; amid their flatteries it might live on during the recess of the Chambers; but the convocation of the legislature would terminate its power. As if the dreaded influence of the new Cabinet on the internal state of the country had not been sufficient to arouse public detestation, the change was represented as having been the result of an intrigue of the English government. The ministry was called the Wellington Ministry; and

the motive, which induced our government thus to impose on France an anti-national Cabinet, was said to be, a desire to see her under a ministry which would take less interest in the affairs of the East, and would not favour the designs of Russia by extending the liberties, or the territories of Greece. Such a charge, which had no countenance, except in the fact of Prince Polignac having been ambassador in London, was useful to the party who made it; for the Cabinet was so universally hated, that no accusation was too gross to be believed; but if they believed it themselves, it was only a proof of the credulity of passion; for there was no reason to believe that the English ministry had ever troubled itself about the matter.

To the opposition, founded on the knowledge of the general principles of the new ministers, were added, in some instances, grounds of peculiar and personal dislike. Prince Polignac himself was unpopular, as being an adherent of the Congregation, and of Court politics; he was not highly respected on account of his capacity; but he was not supposed to be addicted to violent measures. Courvoisier, the Keeper of the Seals, had been distinguished in the Chambers for nothing but his vacillations; in his official situation, as Procureur-general, he had been a lover of prosecutions against the press; he had now given himself up devotedly to the Jesuits and the Congregation. Montbel, the new minister of Public Instruction, and grand-master of the University, was still more unpopular. He was merely the creature, and had been the faithful adherent, of Villèle and Peyronnet, and the latter were now said to sit in the Cabinet by their

proxy. All these nominations, however, much as they were disliked, were treated as indifferent, in comparison with the nomination of Labourdonnaye to the ministry of the Interior, and of general Bourmont to that of War. The former was a well-known leader of the ultra opposition. The element, in which he lived, and moved, and had his being, was faction. The violence of his antipathies was only equalled by the insatiable cravings of his ambition, and the ungovernable fury of his temper. Though his principles led him to support the royal authority against popular rights, his pride and wounded self-love drove him into the most uncompromising opposition to the royalist ministry of M. de Villèle. On the change of Cabinet by the retirement of M. de Villèle, he kept firm hold of the extreme right benches of the Chamber of Deputies, because no lure had been offered to his ambition by M. de Villèle's successors. Loud, and stormy, and blustering, he was always foremost in creating divisions, in making denunciations, or in calling for measures of vengeance. His heat and indiscretion made him always more dreaded by his own party than by his opponents. He was so bigotedly attached to what he deemed the rights of monarchy and aristocracy, as to be styled the Marat of the Restoration, and to be held capable of adopting, for their promotion, measures as violent as had ever characterized the partisans of popular revolution. His principles were so exaggerated, and his firmness and pertinacity so well known, that he was the last man whom the country would have wished or expected to have seen at the head of the domestic administration. He was supposed to have engaged

to Prince Polignac that he could secure a majority in the Chambers, and yet it was universally said, that even the servile Chamber, by which Villèle had governed, would have been reluctant to support the political bigotry of Labourdonnaye. After the second return of the Bourbons in 1815, he had rendered himself remarkable by his sanguinary demands for retaliation. He had proposed lists of proscriptions which would have given Louis 18th the heads of all the civil and military functionaries of the hundred days, of all the marshals, ministers, and high dignitaries of the kingdom. The speech which he had delivered on that occasion, and the sanguinary rhetoric of which could scarcely have been surpassed by the worst men of the Convention, was now reprinted, and secured to him a double share of the unpopularity of the ministry of which he was so dangerous a member.

General Bourmont, an able, bold, and ambitious man, unfettered, like most of the French officers, by rigid devotion to any political creed, was odious to the public, and especially to the army at whose head he was now placed, for a very different reason; he had been guilty of that crime which honourable minds can never forgive, treachery in the face of the enemy to a leader who had trusted him. He had begun his career during the Revolution, as an officer in the royalist army of Vendée; but, after the authority of the republic had been established over the west of France, he endeavoured to make his peace with the consular government. He was imprisoned, but made his escape into Portugal, from which he was allowed to return, after the French army had taken possession of the capital. He then entered the Im-

perial army; was appointed adjutant-commandant in the army of Naples, and speedily advanced to the rank of general of brigade. In that capacity he served during the campaigns of 1813 and 1814, and Napoleon rewarded his bravery and conduct by making him general of division. On the Restoration, Bourmont was among the foremost to offer his services to the Bourbons. He was appointed to the command of the sixth military division at Besançon. He was there when Napoleon returned from Elba; he sanctioned, at least, by his presence, the proclamation which afterwards occasioned the execution of Ney: he himself solicited permission to be allowed to serve under the usurper; he received the command of a division in the army which marched towards Belgium; and, having been thus trusted, he deserted his post the night before the battle of Waterloo, and joined the allies at Ghent. The command which he afterwards enjoyed in Spain, in the army of occupation, under the duke of Angoulême, had been unable to efface the infamy of his former conduct, aggravated as it was by the universally received fact, that, though he aided in prosecuting Marshal Ney to death, he had himself been an active instrument in seducing him to join Napoleon. All parties had decided upon his character. Prince Polignac discovered too late the error which he had committed in placing so important a department of his government in the hands of a man, who was despised as well as hated. He endeavoured, it was said, to effect a change; but Bourmont was ambitious; he was minister; he was supported by the Angoulême interest; and minister he was determined to remain.

The only name in the new list of ministers calculated to command public regard, was that of admiral de Rigny, appointed to the department of the marine. His personal character conciliated respect; the honours of Navarino had given him popularity, and had identified him with a cause, which, in the Chambers, excited scarcely less interest than the concerns of France herself. But the appointment, judicious and unobjectionable though it was, produced only a new proof of the weakness and nakedness of the Cabinet. The admiral refused to join it; the ministry of the marine went a begging for three weeks, and was given at last to a M. de Haussez, of whom nothing was known but that he believed in the general creed of his colleagues. The king had not intended originally that the change should be so total; and many urgencies were used to prevail on M. Roy to retain the finances; but he refused to separate himself from his colleagues, and insisted on resigning. The example was followed by the whole body of the adherents of the late ministry. The councillors of state sent in their resignations one after another; even the holders of pensions returned the warrants by which they had been granted. Wherever the ministers turned themselves to seek, for the vacancies thus produced, men who might stand well in the public eye, they found all their offers contemned. No man who valued public opinion would cast in his lot with a Cabinet that had been marked with reprobation from its birth, and round which had been drawn a circle of popular odium, within which no man could enter without losing his character. These difficulties

were peculiarly embarrassing in regard to the Prefecture of the police. Under a system of police at once so intimately domestic, and so politically efficacious, as that of France, the spirit of the functionary placed at its head had always been reckoned a striking index of the character of the administration which he served. M. de Belleyme, who held the office under the late ministry, had so conducted himself, as to acquire a large share of public confidence and esteem. The new Cabinet were anxious to retain a popular man in so odious a situation, and when the prefect sent in his resignation, Labourdonnaye wrote to him in the most pressing terms, and, with the most flattering offers, urging him to remain. The prefect continuing obstinate, the influence of the king himself was resorted to; but that, too, proved ineffectual. The office was given to M. Mangin, counsellor in the court of Cassation, and this unfortunate nomination added fuel, if any thing could add, to the flame which threatened to consume Prince Polignac and his colleagues. Mangin was still more obnoxious as a magistrate than the members of the Cabinet were as ministers. As procureur-general of Poitiers, he had conducted the prosecution of general Berton for a conspiracy in 1821. His proceedings on the trial had been violent and partial, not only against the accused, but against distinguished political characters who were opposed to the party in power. He had charged five members of the Chamber of Deputies, among whom were general Foy and M. Lafitte, with being Berton's accomplices; he had described them as "purveyors for the gibbet," and had expressed his regret at not being

allowed to prosecute them. The court of Cassation had acquitted him of a charge of irregularity in these proceedings, but had censured him for having used inconsiderate expressions. The elevation to so delicate an office of a man who could abuse his official situation to purposes of such extravagant party spirit, was certainly ill-suited to conciliate any portion of public confidence to the Cabinet which appointed him. But the ministry, deserted and rejected by every man who stood well in the opinion of the people, and feared or despised by all the most valuable classes of society, was compelled to choose within a narrow circle. At the same time, whatever apprehensions might be justified by the nature of the appointment, nothing could be more mild, moderate, and encouraging, than the sentiments put forth by the new prefect in the circular, addressed to the subaltern agents of the police, with which he entered upon his office. "You will find me," he said, "inimical to every thing that is arbitrary. I know what honourable examples my predecessor leaves me; I adopt them. I desire to continue them. You had his confidence—I give you mine. You all retain your employments—the situation of no one will be changed. What I say to you is not mere matter of course; it is my thoughts—my intentions I declare to you. I shall follow frankly the line of my duties; I shall follow it with firmness. I shall endeavour to secure myself from all error: if I mistake, warnings will not be wanting: I shall profit by them, from whatever quarter they may come. A useful warning loses nothing of its importance by being given us by an enemy: an abuse

ought not to be remedied with the less readiness, because it has been pointed out in an offensive manner."

These were excellent professions; but the public was not in a humour to be appeased with professions, and they mitigated in no respect the storm of opposition, which continued to rage with unabated fury. The journals had combined with an unanimity never before witnessed; they were followed, sometimes outstripped, by the violence of the departmental journals. Those which had been formerly ministerial, openly joined the opposition. It had been customary with other cabinets to put forth in the *Moniteur* a species of manifesto, announcing the principles on which the government was to be conducted; but on the present occasion even the *Moniteur* was silent, while the multifarious and increasing opponents of the ministry were thus left at liberty to impute to them the worst designs, and all imputations seemed to be confirmed by the apparent acquiescence with which they were received. The dreaded minister of the interior, indeed, made public a circular addressed by him, on his entrance into office, to the prefects of the departments, in which he declared that government had no intention to cause a re-action, and meant to observe strictly the constitutional charter; but the value of these vague declarations was measured by the known principles of the men who made them, and the nature of the measures which they had been selected to resist. The spirit in which the constitutional charter should be administered, and the rights which it recognized and cherished, were precisely the subjects of the question at issue between the court and the country.

It is probable, as the accounts of the time bore, that the king had been deceived as to the control which the new ministry would exercise over the representative body. He was said to have been assured of a majority in the Chambers; and it was only by the unanimity of execration bursting from the public organs of the parties on whom that majority depended, that the miscalculation was discovered. To gain any thing by a dissolution, in the present excited state of the public mind, was still more hopeless. All the machinery, and management, and influence of Villèle had failed in that attempt two years before; the vacancies, which had since occurred, had been supplied, in almost every instance, by liberal candidates; the very success of the popular party had given them new activity, and boldness, and expertness. While the country, therefore, wished for a dissolution, as a measure, which, by bringing forth an irresistible weight of opinion, would put an end to the ministry, such an appeal to the people was the last expedient to which the ministry could think of having recourse. As the Chambers were not sitting, they might have gained a temporary repose, by establishing a censorship, and imposing silence on the press; but they acted more wisely in concluding, that, as such a step could not fail to confirm the charges, and aggravate the animosity, with which they were attacked, the brief tranquillity it might bestow would only heighten the mischief at last, and that they might promise themselves a more permanent calm by allowing the tempest to rage itself out.

One of their first acts, however, was to direct a prosecution

of the *Journal des Debats*, for an alleged attack on the royal authority, as exercised by the king in the recent change of his ministry. The expressions on which the charge was founded were, "The bond of affection and confidence which united the monarch with the people is broken. Unhappy France! unhappy king!" These words were said to contain an offence against the king's person, and an attack on his constitutional authority; for, as the appointment of a ministry was purely the act of the royal will, any attack on the king's choice, it was argued, was an attack on the king's prerogative. The expression, again, that the bond of affection between the king and his people was broken, must imply, either that the king no longer loved his people, or that the people no longer loved their king; and, in either interpretation, it was an offence against the royal person. M. Dupin, the counsel for the newspaper, maintained, that no one was bound to love his king. Honour the king was the precept; with honour it stopped; and very often there were very good reasons for not loving him at all. The court (the tribunal of the First Instance) found the editor guilty, and condemned him to six months imprisonment, and a fine of five hundred francs. The ministry did themselves no good by this prosecution, directed as it was against an individual who had many claims on the friends of the Bourbons.* Another journal, the

Figaro, was prosecuted at the same time for offending against the royal person, by insinuating that his majesty must have been afflicted with a political cataract when he selected the new ministry. In this case, too, the punishment was six months imprisonment, and a fine of a thousand francs. The ministers, however, to shew their impartiality, prosecuted an ultra-royalist journal, which had spoken of the constitutional frame of the government in the following terms:—"It cannot be dissimulated that the source of the evil comes from an impious and atheistical charter, and from several thousand laws framed and conceived by men without faith and without religion, and by revolutionists. Justice, reason, and God himself command the destruction of these infamous acts—of these monuments of impiety." The editor of this journal was likewise found guilty; but while the writers

* M. Bertin, who was here prosecuted, one of the principal proprietors, and the sole responsible editor of the *Journal des Debats*, had made more sacrifices for the Bourbons than probably any of his accusers. He had suffered for their sake under the Convention, the

Directory, the Consulate, and the Empire; he had hailed their return in 1814; he had accompanied the king to Ghent, and defended their cause in a foreign capital, during the hundred days. If such loyal sacrifices established no claim to forbearance, M. Bertin might have pleaded the general moderation of his principles, and the royalist tendency of his doctrines, together with the caution and discretion which marked the political discussions of his paper. While the law permitted the journals to have what was called *editours responsables*, and while most of them availed themselves of a legal perversion to invest with that character mere men of straw, who had no property in the papers to which their names were attached, possessed no influence in their direction, never wrote a syllable in their columns, and were only hired at so much a day to go to prison when their employers committed a libel, M. Bertin disdained to take advantage of this legal subterfuge—remained answerable for every article in his paper, and never made any hireling the scape-goat of his errors or intemperance.

who had been drawn into what was only, at the worst, a constructive offence against the royal authority, and, in a sober and rational sense, was no offence at all, were visited with imprisonment for half a year, the journalist, who had directly attacked the constitution on which hung all the liberties of the country, escaped with a sentence of imprisonment for one month.

Prosecutions did not in any respect diminish the boldness, or allay the animosity of the Journalists; they were the representatives of weighty and excited interests; they were supported by keen popular feeling and opinion. As nobody believed that the ministers could command a majority in the Chamber of Deputies; as the popular party were already speaking of the necessity of driving them from their posts by refusing to vote the supplies; and as ministers, nevertheless, instead of showing any disposition to yield to the storm, seemed to reckon on a long possession of power—people assumed that they intended to raise money without the aid of the Chamber; and so credulous is party spirit, that associations began to be formed among the citizens to defend themselves against supposed designs, which only madmen could have entertained. These associations took their rise in Brittany. The members subscribed each ten francs. In the event of any tax being imposed without the consent of the Chambers, or with the consent of a Chamber of Deputies created by any illegal alteration of the existing law, payment of the tax was to be refused, and the money subscribed was to be employed in defending and indemnifying the persons who should so refuse, and to

prosecute all who might be concerned in the imposing, or the levying of such illegal taxes.* The document, containing the resolu-

* The following were the terms of this association:

“We, the inhabitants, of both sexes, in the five departments of the ancient province of Brittany, under the jurisdiction and protection of the royal court of Rennes, bound by our own oaths, and those of the heads of our families, to fidelity to the king and attachment to the charter, having considered that a handful of political madmen have conceived the audacious design of attacking the very basis of our constitutional rights conferred by the charter; having considered also that, if Brittany has found, in the enjoyment of these rights, the compensation of those that were secured to her by her union to France, her national character and her honour equally induce her to imitate the generous conduct of her ancestors, by resisting the usurpations and arbitrary caprices of ministerial authority; having considered finally that any armed resistance would be the most dreadful calamity; that it would be unjust and without motive as long as legal resistance can be had recourse to; and that the most certain means of rendering preferable a recourse to judicial authority is to ensure to the victims a mutual and paternal link with their fellow-citizens:—We declare, connected as we are by ties of honour and legal right—

“1. To subscribe individually for ten francs, and also the underwritten, whose names are inscribed on the electoral lists of 1830, for the 10th of the contributions attributed to them on the aforesaid lists; and we oblige ourselves to pay the same money on presentation of the drafts of Procurators-general, in case they should be named conformably to the third article of the present declaration.

“2. This subscription will form a common stock or fund for all Brittany, destined to indemnify the subscribers for any expense they may be put to by their refusal to pay any illegal contributions imposed upon the public, either without the free, regular, and constitutional assent of the king, and the chambers established by the charter and the present laws, or even with the assent of the chambers created by any electoral

tions adopted by the association, after appearing in the journals of Brittany, was reprinted in the liberal journals of Paris. They were immediately seized by the police. It was reprinted for the purpose of being indignantly commented on and denounced, by the ministerial journals: they were seized, too, and complained, with some reason, that it was hard to expect them to answer a document, the contents of which they were not allowed to make public. The ministry ordered prosecutions to be raised both against the provincial journals which had originally given it to the world, and against two of the journals of the capital which had reprinted it with approbation. The editors, who had published it without comment, or had published only to condemn it, had their papers restored to them. The case of the departmental journals was first tried, before the correctional

system contrary to the same constitutional regulations.

“ 3. In case of any illegal change in the mode of elections, or any illegal establishment of the taxes, two proxies of each district will assemble at Pontivy, and as soon as they are twenty in number, they will have power to elect amongst the subscribers three procurators-general and an under-procurator in each of the five departments.

“ 4. The duty of the general procurators will be to receive the subscriptions, to afford indemnities conformably to the second article, at the request of any subscriber, prosecuted for the payment of illegal contributions; to sue in his name through the sub-procurator of his department for justice against the exactors by all possible means allowed by law; and to become the accusers of all those who are accomplices or abettors of the establishment of illegal taxes.

“ 5. The subscribers named and proxies of this district to assemble with the proxies of the other districts, and to deposit the present subscription in the hands of the general procurators.”

tribunal of Rouen. It was insisted that the document was one which necessarily brought the king into hatred and contempt, by supposing he could sanction such measures as the association was intended to resist, as well as by the language of the document itself. It was maintained for the journals, that the association, and the language of the document, undoubtedly implied the possibility of acts deserving of all detestation on the part of the king's government, but nothing more. It implied that the ministers were willing to attack the constitution of the country; but that was no libel; and to the king himself, to whom personally the law ascribes no evil design, or erroneous conduct, it imputed nothing. M. de Labourdonnaye himself, in a speech delivered in the Chamber of Deputies in 1824, had exhorted them not to allow oppression to crush the journals, the vigilant sentinels of liberty, and the “best defence against the inroads of ministerial despotism.” That was precisely the duty which the editors of Brittany were now discharging. In giving publicity to the document in question, they were merely guarding “against the inroads of ministerial despotism.” But M. Labourdonnaye was now one of the ministerial despots; in 1824, he had been in opposition, and was therefore a lover of the “vigilant sentinels.” To confound the ministry with the king, in the way which was necessary to support this prosecution, was to destroy the constitution altogether, and involve the king personally in the ridicule and odium which it would be criminal not to attach to the contemptible or dangerous conduct of a ministry. “We must either maintain that the min-

istry is as infallible and inviolable as the king himself; or we must admit, that, without impairing the dignity of the throne, we may censure with energy the conduct of the ministry. If the bare supposition that ministers may be guilty of treason and extortion is injurious to the king's government, why has the charter provided a punishment for such crimes? Has the charter then brought the king's government into hatred and contempt, by supposing that the king may meet with ministers guilty of such crimes? Let us reject such doctrines, because they are destructive to constitutional government, and let us avow at once that ministers must submit to the free censure of the press, first of all, from the nature of representative governments, and next, for the safety of legitimacy itself, in order that no prince may ever be identified in the eyes of his people with the misdeeds of his ministers, and that the public may know who the parties are upon whom its odium ought to fall.

The court acquitted the accused, and ordered the copies which had been seized to be restored to them. But the result of the prosecutions against the Parisian journals was different; the editors were imprisoned for a month, and fined in 500 francs. The court stated the grounds on which it proceeded in finding the publication libellous to be:—"Because the Breton Association is founded on the supposition that the impost might be illegally established, either without the concurrence of the Chambers, or with the concurrence of a Chamber of Deputies formed on an electoral system, not returned agreeably to the constitutional forms;—Because such a supposition cannot

be realized without a violation of the fundamental laws of the state;—Because the editors of the *Journal du Commerce*, and the *Courrier Français*, by publishing the prospectus of this association, and accompanying this publication with apologetical reflections, in which the pretended danger is represented as imminent, have not used the legal right of discussion and censure of the acts of the ministers, but have excited to the hatred and contempt of the government of the king." This decision excited great surprise and dissatisfaction among the Parisians; and certainly, of the two courts, the provincial tribunal of Rouen would seem to have been guided by the sounder principles. Confessedly the remedy proposed was proposed only to meet a contingent evil; if that evil should arrive, the remedy confessedly was a legal and a proper one. The association could cease to be a chimera only to become a laudable and constitutional union. The ministers lost by gaining a conviction. They were placed in the ridiculous position of being unable, or being afraid, to attack the thing itself, while they were virulent against the mere description of what the thing was. The associations spread over the greater part of the kingdom; they embraced more than half the Chamber of Deputies, and a very considerable number of peers.

These prosecutions were conducted under the pretext of punishing attacks against the king; another, directed against a provincial newspaper, the *Sentinelle des deux Sevres*, was more plainly in defence of the ministers themselves. The editor was prosecuted for having described Polignac as a conspirator, Bourmont as a traitor, and Labour-

donnaye as a persecuting man "of Categories"—an appellation which had already been liberally applied to him in the Parisian papers, and which had reference to the classes, or Categories, into which he had arranged, in 1815, the multitudes who filled his lists of proscription. These are very offensive epithets in themselves; but in the present case they had a sense and an application which rendered them harmless, and expressed only indubitable facts. To the parties themselves they must have been terms of praise, for they denoted actions on which they built their credit. Póignac had undoubtedly been a conspirator against the revolutionary government; that he had been an imprisoned conspirator in the cause of the Bourbons was one of his claims to their admiration. Bourmont, beyond all doubt, had betrayed Napoleon at Waterloo, and he claimed the confidence of the monarch, because he had done so. He had sought and obtained from the Emperor a military command for the day which was to decide that Emperor's fate; and when the enemy was before him, to begin the conflict of that day, he had abandoned his post. The act might, or might not, proceed from motives which palliated or excused it; still it was a fact, that he had betrayed the confidence reposed in him by the man whom he had asked to trust him, and at a time when treachery was, to that man, ruin. Then nobody denied the historical fact that Labourdonnaye had earnestly urged a system of very terrific proscription, and had formally classified the descriptions of persons from whom he demanded that vengeance should exact the penalty of their lives. But this conduct Labourdonnaye and his

whole party must have considered honourable; while it scarcely could be libellous in others to think and to call it the result of a persecuting spirit.

Incessant prosecutions did any thing but tend to allay the excited jealousy of the public. M. Mangin, too, the new prefect of police, had speedily belied the untrusted professions of his circular. In his epistles to the journals, and his intercourse with his subordinate agents, he had exhibited a tyrannical and overbearing temper, which could not fail to render power dangerous in his hands during any period of excitement. In Paris, producing so many morning papers, there were only two evening journals, the *Gazette de France*, which zealously supported the ministry, and the *Messenger des Chambres*, which had been the journal of the late Cabinet, but was now in opposition. These evening papers are sold by a kind of hawkers, who establish their stall, with its lamp, or paper lantern, on the Boulevards, or at the corners of the streets. The prefect of the police had the power of prohibiting or permitting this species of traffic, but it was the duty of an impartial officer to extend the same degree of indulgence or restraint to all. One of the first acts of M. Mangin's authority, however, was, to send the editor of the opposition journal an order to desist from this mode of distributing his paper, while his ministerial opponent was allowed the continued benefit of the privilege. M. de Courvoisier, too, the new Keeper of the Seals, added to the mass of distrust and dissatisfaction by addressing to the Procureurs-généraux of the Royal Courts a letter, requesting them to assume

a character which made them spies, and converted into spies the whole provincial magistracy. They were to send him, on the 1st of each month, a report "on the state of opinion" in their respective neighbourhoods; and they were told that they would easily obtain the necessary information from the Procureurs du Roi, as the latter were in constant communication with the mayors, and the justices of peace, of the arrondissements. "What," exclaimed the Parisians, "all the mayors, the paternal administrators of their communes, charged to make opinions a matter of police, to dive into the sentiments of their fellow-citizens, and to furnish bulletins of them to the Procureurs-general, with whom they have continual connection! Justices of peace, whose mission ought to be characterised by union, confidence, and, if we may use the expression, with friendship, placed as sentinels to surprise the secrets of those whom they are appointed to judge!—an office of conciliation transformed into an inquisitorial surveillance."

During the autumn, M. de la Fayette had occasion to take a journey into the south of France. Every where he was received with public honours: the citizens, in welcoming him with banquets and processions, welcomed him as a respected representative of that policy which was now contending with the new Cabinet. The mayor of the commune of Vizille, through which the general passed, had taken part in one of these shows. For this expression of opinion the ministry immediately deprived him of his office; and the consequence was, that the whole population voted him an address of thanks and congratulation, and invited

him to a public dinner. The gentleman appointed by the ministerial prefect of the department to fill the office provisionally, refused to accept it, stating, that as his predecessor had been deposed for having taken part in the honours paid to M. de la Fayette, at which he himself, as well as all the inhabitants of the commune had assisted, he was anxious to anticipate the interference of the Minister of the Interior in his own case, and therefore declined the office.

These imprudent acts, and acts like these, incessantly presenting new points of collision between the Cabinet and the public, kept up the irritation, and drew forth daily some new expression of public opinion. That opinion was the opinion of the departments fully as much as of Paris. In September, after the ministers had been a month in power, a petition praying for their dismissal was addressed to the king by a number of the inhabitants of Grenoble, the language of which will suffice as a specimen of what was thought and said of them in all corners of the kingdom. "A faction," said they, "has placed itself between the prince and the people; the avenues to the throne are occupied by its leaders. Will they, who have always protested against the charter, observe it? Will they restore to us those institutions which they have deprived us of—they whom we reproach for the loss of them? Will they respect the liberty of the press—they who will never cease to be accused by France, whilst France retains a voice? Will they suppress electoral frauds—they, against whom we have ever been obliged to contest, to have them suppressed? Will they reduce the taxes that are crushing us—they

who have ever voted against every reduction? Will they improve the system of public instruction—they who put all their hope in the ignorance of the people? Will they be able to have French generosity respected by our neighbours—they who have ever been averse to any thing generous? Will they defend the independence of your crown—they who have been placed in power by foreign influence? Are they worthy depositaries of the glory of our armies—they who are only known to our warriors by their treason? Will they drive vengeance from their breasts,—will they conciliate the hatred of parties—they who prepared lists of Frenchmen for the scaffold, they who call clemency inactivity; they who, to express their horrible wishes, have become the plagiarists of the tribunes of terror? France sees with horror united in the ministry men who were joined in its antipathies, and from whom every citizen fled, who enjoyed the esteem and honour of his countrymen. Sire,—Have pity on France and the throne; drive from it the evils with which it is menaced. To render it glorious and fortunate, France has need of the confidence of its king. Give her ministers worthy of her and yourself. Sire,—In terminating these humble representations, permit us to assert our respect for your prerogatives. We know good from bad ministers, before kings can know them. We know them by our sufferings, and kings know them only by our groans. That is a legitimate prayer which requires from heaven good kings; why should not that be the same which requires from kings good ministers?"

In the evils, with which public alarm supposed France to be

threatened, there was, beyond doubt, a great deal that was merely imaginary. Many of the designs imputed to the ministry were either useful inventions of their opponents, put forth for the purpose of keeping strenuous opposition alive, or, if really believed, were believed only because the animosity of excited party spirit easily gives credit to whatever does honour to its own sagacity or patriotism. But still the composition of the ministry, while it exhibited nothing commanding in point of talent, was framed on principles which implied a policy hostile to the growth of public liberty. Above all, its composition was hostile to the wishes and opinions of the French people; even its continued existence, therefore, was of itself a proof of the spirit imputed to it by its enemies, viz. a determination to govern in defiance of these wishes and opinions. Whether the public was right or wrong in what it believed, it did believe that the ministry deserved only distrust, hatred, and contempt. Its unpopularity, founded on apprehensions, even before it had begun to act, might be partly undeserved; but thoroughly unpopular it was. The little it had done did not tend to diminish the dislike with which it was regarded; and thoroughly unpopular it continued to be. The public voice might, in some measure, be misled by party violence and chimerical alarms, but it was too loud and too universal to be despised with impunity.

The Cabinet itself, in the meantime, was divided. That it contained Labourdonnaye was one great cause of its unpopularity; and that minister himself would listen to no proposals of concession

—no mitigation of his own ultra principles. Another section of the ministry, with Prince Polignac at its head, was averse to violent or dangerous measures; and was particularly willing to carry concession the length of getting rid of their colleague. In November, M. de Labourdonnaye retired; but it was doubtful whether he retired from wounded vanity, or in the hope of allaying the tempest. The place of President of the Council had been vacant since the retirement of M. de Villèle, the last ministry having had no chief under this title. To obviate the inconvenience which would have been felt by the absence of a president at the meetings of the Cabinet, the king or the dauphin generally occupied the chair. M. de Villèle had a long struggle with some of his colleagues of higher titles and more ancient families, before he could prevail upon Louis 18th to promote him to this high dignity. When at last he obtained it, he found it a real source of power, which enabled him for several years to domineer over his colleagues, and to direct the administration at his pleasure. The President of the Council had access to the king at all times, and could interfere in the direction of every department of the State. The present ministry had likewise been formed on a principle of equality; but, in the middle of November, a royal ordinance appeared, creating Prince Polignac President of the Council. To this superiority the ambition and self-love of Labourdonnaye could not submit, and the resignation, which he tendered, was accepted. The appointment of a president was said to have been adopted for the very purpose of compelling a resignation, and thus

saving his colleagues from the ungracious position of appearing to sacrifice him to popular clamour. But whatever motive led to the event, it was one from which the ministers anticipated a relaxation of the popular odium. The ex-minister carried with him a considerable number of ultra-royalist votes; and he had already shewn, that, when driven into opposition, he would not hesitate to direct them against a royalist ministry; but they flattered themselves that his retirement would bring to them a greater accession of strength from among the moderate liberals, and would, at least, tend to divide their enemies.

In these expectations, however, they were disappointed. One very obnoxious man was removed, but he was not succeeded by any person commanding confidence or respect; many obnoxious men still remained, and the character and composition of the Cabinet was unchanged. The Ministry of the interior was filled up by simply transferring to it from the department of public instruction, M. de Montbel, the creature of Villèle. The only accession gained by the ministry was in M. de Montbel's successor, a M. Guernon de Rainville, procureur-general of Lyons; and M. de Rainville was known only as an ultra, who, when president of the electoral college of the arrondissement of Bayeux, had obtained, by his temerity and violence, a false return, and who had acted, throughout his magistracy, on the principle, common to most of his present colleagues, that all constitutional measures were revolutionary. M. de Labourdonnaye had been hated and feared; nobody contemned him: M. de Rainville was only despised and laughed at.

The expression of public opinion against the ministry, continued to be as strong and unanimous as ever. At one time the organs of the Cabinet threatened a dissolution of the Chambers—a step which they were conscious they could not safely take; and the popular party, on the other hand, declared, that they desired nothing so much as an appeal to a new election, which, they were confident, would increase their numbers. At other times the ultra journals preached up the doctrine of ruling without the Chambers. “The ministers,” said they, “loudly declare (and it gives us pleasure to repeat their declaration), that, if they have the majority, they will save the throne by it; and that, if they have not the majority, they will save the throne without it. Relying upon the support of the king, and the assistance of the royalists, who only wait for a signal, the ministers will find in the charter itself the means of wresting it from the hands of the factious, who would wish to destroy it, because it is the work and the support of the monarchy. What is this pretended deliberating majority, which not only presumes to treat with the throne as one power with another, but to dictate conditions to the living law,—the source of all laws,—that is royalty? Of what is it composed? Of rhetoricians without a conscience, of demagogues without people, and of generals without soldiers; and yet they dare to call themselves the representatives of public opinion, and the organs of the nation. France recognizes only the king as its immortal representative; the word of the king is the expression of the sentiments,

of the wishes, of the wants, and of the interests, of his people. The majority — is the king.” Language like this justified every thing that the popular party could say or do. The more accredited organs of the Cabinet, indeed, did not openly repeat these sentiments, and were even authorized to blame them; but they were inseparably connected, in the minds of the people, with that set of opinions which the Cabinet represented. If the one party were led astray by assuming evil designs, which perhaps had no existence, ministers were equally blind to the character of their antagonists. They never alluded to them, but as revolutionists—enemies to the king—republicans—traitors—jacobins—attacking the throne with seditious clamours—a language foolish in the extreme, considering that the persons, to whom these epithets were applied, formed the great majority of the nation. Amid this excitement, and these mutual recriminations, the year closed; ministers keeping their places until the convocation of the legislature should determine, whether the Chambers were to decide the fate of the Cabinet, or the Cabinet that of the Chambers.

The foreign relations of France remained peaceful and unaltered. She was a tranquil, though not an uninterested spectator of the march of Russia to the overthrow of the Ottoman Empire; and her ministers, with those of the other European powers, bore a share in the negotiations which followed. The result of the campaign having secured the independence of Greece, on the terms which the allies had originally proposed, the French troops in the Morea were recalled. They had fulfilled the

object of their mission, in reducing the Turkish fortresses; they had suffered little in the field, but had sustained severe losses from disease. Besides sending that expedition, France, in conjunction with Russia, had made considerable advances of money to the Greek government, in the shape of a monthly subsidy. On the accession of Prince Polignac's ministry, this subsidy ceased. A Greek agent proceeded to Paris, to urge the necessity, in the present circumstances of Greece, of making another and last advance; he was unsuccessful. He offered to supply one half of the sum from his own pocket, if the French government would make up the other; he met with a refusal. He requested the use of a king's ship to convey from Toulon to Egina, what he could advance from his own funds; that request was granted. This occurrence was, to the constitutional party in France, a fresh proof of the illiberal and anti-national spirit of the new ministry. For the ministry again, it was alleged; that, by the Turkish recognition of the independence of Greece, 'as proposed by the allies, the period, during which the subsidy had been promised, had expired, and they could not be considered as now holding funds which they might legally apply to such a purpose—a constitutional delicacy in money matters for which their opponents were not inclined to give them credit.

For several years France had had a standing quarrel with the Dey of Algiers, the remote origin of which went very far back. During a period of scarcity, in the time of the republic, the French government had entered into contracts

with a Jew, named Bacry, for a supply of corn. The Jew was connected with the dey; the money due for the corn amounted to 7,000,000 francs, and payment of it had been voted in 1824; but the dey had not touched a farthing of it. Four millions were said to have been paid to his agent; but report alleged that the greater portion of it had never gone farther than the hands of French officials. At all events, the other three millions had been retained, on the pretext that they fell to be divided among French subjects, who had suffered loss by Algerine captures. Thence arose law-suits which threatened to have no end. An Algerine dey is accustomed to a much more summary administration of justice than is allowed by the tardy forms of European judicial investigation. His highness wrote a letter to the French Cabinet, requesting that the money should be sent to him, reserving to himself the power of doing justice to the claimants. If the claimants had failed on their side, such an appeal was for them abundantly unpromising; but the Foreign minister, who was then the baron de Damas, did not even answer the letter. Again his highness wrote, and again his letter remained unanswered. While affairs stood thus, M. Deval, the French consul at Algiers, having waited on the dey to pay his respects at the feast of Bairam, in 1827, a lively conversation took place between him and the dey regarding the conduct of the French government. In the course of the dialogue, the Dey struck the consul with his fly-flap; and thereupon ensued the negotiations, and declaration of war, recorded in our volume for 1827.

The rupture having taken place, France added many new complaints to the immediate cause of quarrel. According to her, in 1824, contrary to the express tenour of treaties, perquisitions had been made in the French Consular-house at Bona, under the pretence of searching for contraband goods. Illegal permissions to sojourn and trade in that town, and on the coasts of the province of Constantine, had been granted to English and Mahometan merchants. In 1826, vessels, belonging to the subjects of the Holy See, but bearing the white flag, and under the protection of France, had been unjustly captured, and restitution refused. French property, seized on board of a Spanish vessel, had been confiscated. Thus, said France, had been violated the two principles, which have constantly served as the basis of our transactions with the Regencies of Africa—namely, that the French flag should protect merchandise, whatever it might be, and that French merchandise should be inviolable even under the enemy's flag. Arbitrary visits and depredations had been committed on board French ships; and the sovereignty of France over that portion of territory, which is comprised between the river Seibus and Cape Roux, and of which she had been in possession since the middle of the fifteenth century, had been dis-

puted. These, and the insult of the fly-flap, were the causes of war, which had been carried on since 1827, by a blockade of Algiers, so inefficiently maintained as not to prevent the state of hostilities from being extremely detrimental to the French trade in the Mediterranean. In the present year a new expedition was fitted out, with the intention of converting the useless blockade into a bombardment, and a flotilla of gunboats and bomb-ketches, to be used for that purpose, was daily exercised in the roads at Toulon. This design, however, was abandoned. M. de Portalis, who was at this time at the head of the Foreign-office, perceived that the continuance of the war was both the cause of a ruinous expenditure, and a subject of ridicule; the project of bombarding Algiers was given up; and M. de la Bretonniere was charged with a mission more peaceful, as less subject to the caprices of chance. The admiral set sail, not with five or six bomb-ketches, but with arguments calculated to make upon the mind of the Dey much more powerful impression than all the artillery of our marine. The new ministry succeeded, and was occupied with more important matters than this negotiation; and about the end of the year, M. Deval, whose wounded pride had insisted on exemplary satisfaction being demanded, died.

CHAP. IX.

PORTUGAL.—*Unsuccessful Conspiracies in Lisbon—Trial of the Conspirators—Miguel alters the Sentence of Banishment into Death, and banishes those who had been acquitted—Sufferings of State Prisoners—Confiscations—Attempt of Don Miguel against the Life of his Sister—Intrigues of the Queen, which lead to partial changes in the Ministry—Proceedings at Oporto against the Persons engaged in the Military enterprise of the preceding Autumn—Nine of them are executed—More bloodshed called for by the Priests, and a new Commission erected at Lisbon for the Trial of State Prisoners—Its Proceedings are interrupted by a change in the Ministry of Justice—The Queen opposes herself to the more lenient conduct of the new Minister—Continued Prosecutions and Punishments at Lisbon and Oporto—Sentence pronounced at Oporto, in their absence, against the Marquis Palmella, Count Villa Flor, and nineteen other General Officers—Forced issue of Paper Money—Necessities of the Government—Count Villa Flor takes the Command in Terceira in the Name of the Queen—An Expedition sails from Lisbon to reduce Terceira—The Troops effect a landing, but are totally defeated by Villa Flor—Spain recognizes the Title of Don Miguel—Brazil craves the armed interference of Britain, which is refused—A Portuguese Expedition sails from Plymouth to reinforce the Garrison of Terceira, under the pretext that the Troops on board were to be carried to Brazil—The British Government prevents them from landing—Don Pedro refuses to enter into any compromise with Miguel, and recalls his Daughter from Europe.*—**SPAIN.**—*Executions at Barcelona—Partial Insurrections in Catalonia—Cadiz is erected into a free Port—Detection of a Fraud practised by Spain in relation to a French Loan.*—**ITALY.**—*Death of Pope Leo XII, and Election of Cardinal Castiglione Pius VIII.*

IN our annals of last year, we recorded the progress by which Don Miguel had succeeded in usurping his brother's crown, and the failure of the attempt which had been made to maintain the constitution by force of arms. It now remained for him to satisfy the jealousy, which is the doom of all usurpers, by shedding blood. A disposition the slave of violent passion, and insensible to the work-

ings of ordinary humanity, was aggravated by the consciousness that the throne, which he had seized, was not secure. In Lisbon itself, notwithstanding his triumph over the badly concerted, and worse executed, enterprise of the Liberals of Oporto, the public indignation daily threatened an explosion. During the last weeks of 1828, numerous printed proclamations appeared, calling the Portuguese

to throw off his yoke, and put an end to the system of indiscriminate imprisonment and confiscation in which his satellites were revelling. The inhabitants assumed a menacing attitude; many of the officers of the garrison were prepared to take part in the revolt. It was expected to break out on the 19th of December; and, in the course of that night, various bodies of citizens and military assembled at different points. But no plan had been concerted; no communication even seemed to have taken place between them. Having remained on foot all night, each expecting that the others would join them, they separated next morning; having effected nothing except the putting of Don Miguel upon his guard. That they were allowed to disperse in peace was owing to the weakness of the government, which would not venture on further provocation, until it had armed itself with greater power to punish. A large additional military force was brought towards Lisbon, drawn chiefly from the bands which had been organized by the marquis de Chaves for establishing despotism, and composed therefore of men on whom the despot could safely rely.

This very measure hastened a new attempt at insurrection, which took place on the 9th of January. It was headed by a brigadier-general Moreira; but, like its predecessor, it was premature and ill-arranged. Several officers, and some of the troops of the garrison, had been brought into the enterprise; their object was to proclaim Donna Maria queen. None of the inhabitants seemed to have been made privy to it, nor any means to have been prepared for its success, beyond the small number of

individuals directly concerned. Moreira had either miscalculated the disposition of the military to whom he trusted, or the plot had been betrayed; for, on the night of the 9th of January, when in the act of calling out the regiment at the head of which he intended to make the attempt, he was arrested, along with the other officers who had joined him, and the contemplated revolt was immediately stifled.

The government, now feeling itself stronger, made use of this occurrence to multiply arrests all over Lisbon. Every individual, whom any creature of the government chose to dislike, or any private enemy thought fit to denounce by an anonymous accusation, was immediately consigned to the dungeons of the Limoeiro, or of St. Julian. A special commission was named to try the actual conspirators. After having been detained for several weeks in solitary confinement, they were brought before it in the end of February. Some of the prisoners were under age, and a counsel was assigned to them. But they were allowed only four and twenty hours to prepare their defence; although the law provided, that no prisoner should answer to a capital charge in less than five days. Moreira, and four of his companions, were condemned to be transported to Africa for life; two more were to suffer the same punishment for ten years. The rest were acquitted, as persons against whom nothing was proved. Miguel was shocked at the lenity of the sentence; it was not sufficiently high seasoned with vengeance to gratify his palate. He refused to ratify it, and ordered a new sentence to be framed, by which the five pri-

soners, condemned to transportation for life, were directed to be hanged; the two, who were to have been transported for ten years, were transported for life; and all those, who had been acquitted, were transported for ten years. Some of the judges ventured to oppose this atrocious proceeding; but the language of justice or humanity, of law or reason, was to Miguel an unknown tongue, and the sentence was carried into execution. Even the usual space of three days, allowed by the law of Portugal, to intervene between the passing of a capital sentence, and its being carried into effect, was shortened to one. Don Miguel's sentence was signed on the 5th of March, and next day Moreira and his four companions were executed.

In comparison with death, the condition of the numberless prisoners in the gaols and fortresses was scarcely to be envied. Uncondemned, though all of them, and innocent, though most of them, were, they were delivered over to the merciless authority of apostolic miscreants, who seemed to find no gratification but in the invention of new modes of inflicting misery. Among the incarcerated were many persons in affluent circumstances, who charitably contributed towards the support of the poorer prisoners, whom their masters were willing to leave in starvation. To deprive the latter of this alleviation of their miseries, the government ordered the former to be removed from the dungeons of the city, and immured in the fortresses of St. Julian, Belem, and Bugio. Without being brought to trial, the prisoners were cut off from all communication, by speech, or writing, even with the members of their own

families. Many of them died in consequence of want and confinement; nor were suspicions wanting that poison had seconded the jealousy of the usurper. No rank, character, or age was respected. A child, five years old, was kept in solitary confinement five days, and subjected to all the tortures of the prison, to extort evidence against its father and mother. A refugee Spanish bishop, who had been a member of the Cortes of 1812, and had since lived in peace and obscurity at Lisbon, was thrust into the dungeons of St. Julian, and died in four days, in consequence of the brutal maltreatment heaped upon him by Telles Jordao, a noted leader throughout the apostolic rebellion, to whom the government of that fortress had been intrusted. Even the decencies of Christian burial were refused to him, for that was an honour of which "free-masons" were considered unworthy, and the body was thrown into a hole in the esplanade of the castle. All the victuals carried in to the prisoners were carefully examined, lest they should be made the means of conveying communications, or implements of escape. The governor's son performed, one day, this dignified function, and amused himself by mingling filth with the prisoners' food. They refused to partake of it. Jordao thereupon gave orders, that they should be questioned who was the ringleader of the resolution, and that all, who would not declare his name, should be loaded with irons, and sent to the subterraneous dungeons. They were called out one after the other, but none of them would denounce his comrade. As they were taken out of the prison to go to the inquiry, one of the officers of the garrison

abused them atrociously as they passed, and when it was the turn of lieutenant-colonel Joao Chrisostome, formerly of the 5th of Caçadores, the abusive officer called him robber. The indignant colonel knocked him down. The general instantly appeared, and desired one of the soldiers to shoot the lieutenant-colonel. This injunction was repeatedly disobeyed by all the soldiers, till Jordao himself, seizing the bayonet of one of their muskets, stabbed him several times, and left him dead at his feet. Nor did the apostolics forget avarice, in their love of vengeance; their power was used for purposes of open spoliation, and shameless extortion. While the persons of the citizens were imprisoned with indiscriminate fury, and abused with reckless barbarity, their goods and possessions were sequestered. The officers, the magistrates, and subordinate instruments employed in these transactions, were allowed to pay themselves, at their own discretion, out of the sequestered estates. They took possession, and plundered without restraint. If property was brought to sale, they, or their agents, bought it at an under price; that price was seldom looked after, for every scoundrel was very tolerant of every other. Individuals were ruined, and the government gained little. Colonel Raymundo, the governor of Cascaes, by way of making money, ordered, of his own authority, that all shops should be closed at sunset, unless a special license were obtained from him to keep them longer open; and that license he never refused, when it was properly paid for. The kingdom was laid at the mercy of a set of men, to whose vengeance, avarice, and brutality, no bounds were even pretended to

be set. Their uncontrolled passions could scarcely go beyond the example set them by their master, whose conduct, within the walls of his own palace, was frantic. From the moment of his return, Miguel had hated his sister Donna Maria, because she had been her brother's regent, and had been faithful to his brother's constitution. Miguel learned, that a footman, formerly in the private service of Donna Maria, had set out for England. He believed that this servant was the bearer of a correspondence between the princess and the agents of Don Pedro, and that she had taken this opportunity of saving from her brother her jewels and money. Don Miguel had been laying violent hands on all the money and other valuables which he could collect, to supply his coffers, in case he should be obliged to abandon the kingdom. Furious at the news of his sister's conduct, he rushed into her chamber with a pistol in his hand, and demanded an account of the flight of her servant. The princess stood trembling in silence; Miguel was about to strike her with a pistol, which was armed with a bayonet; danger gave her courage; she threw herself upon him, and overturned him. He sprung up, and again attacked her. Count Camarido, her chamberlain, threw himself before the ruffian; Miguel disabled him by stabbing him in the arm, and fired at the princess. The ball missed her, but killed a servant who was by her side. Other domestics interfered, and her life was saved. How many crimes did Miguel hold necessary to entitle him to the honour of being the most detestable of despots and usurpers? He had conspired against his father; he had usurped the

throne of his brother; he had laughed at promises made, and oaths sworn in the face of Europe. As if all that might still expose him to the degrading suspicion of being capable of a virtuous or kindly sentiment, he had now attempted to assassinate his sister.

If a system directed to gratify the passions of such a man were susceptible of any aggravation, it was found in the interference of the queen mother. Atrocious as were the proceedings of the government, that worst of women and of wives was still unsatisfied, unless she could place them under the direction of her own creatures, for whose abhorrence of every thing like mercy and justice she might have the security of her own personal knowledge. The confinement of Miguel, in consequence of an accident which had happened to him in the end of the preceding year, gave her room for intriguing.* She succeeded in displacing the

* In the beginning of the year the following treasonable proclamation was openly circulated by the queen's adherents:—"Royalists! To preserve the throne and the altar is and always has been the object of our endeavours, and the thought nearest and dearest to our hearts. But the throne and the altar are now tottering on the brink of ruin. The king, from his severe illness, and the constant restraint under which he has been kept, has been compelled, by his fears, to temporize with that impious masonic faction, which, for a length of time, has surrounded and still surrounds his royal person. With pain and indignation we see the faithful vassals of the king, who sacrificed their lives, their honours, and their properties, who left their country, and have suffered a painful emigration, still suffered to exist, and pine in want, in misery, and in oblivion, whilst the infernal free-masons still hold the most honourable and lucrative places. The prisons are converted into so many masonic lodges, where, without danger,

foreign minister, Rio Pardo, and procuring the appointment of count St. Lourenco, a minion of her own.

To infuse her spirit into the police was a still more desirable object. The department of Justice (for so it was still named) under Furtado Rio, and the ministry of the Interior, under the count de Bastos, were already as bad as even she could have wished. Barral was at the head of the police, under which Portugal was enjoying the present reign of lawless bloodshed and plunder; but the queen carried the appointment of the desamhagador Belfort, who had shewn himself, in the proceedings of the preparatory judicial commission at Oporto, of which he was a member, an officer after her own heart. She went further, and placed the

they conspire against the throne and the altar, and against us individually.

"Now, royalists! let us not sheathe our sword till our country is saved from the worst of enemies! Let us, for the present, withdraw the reins of government from the hands of our hero, the king, Don Miguel, which, though at other times powerful, are now become feeble from his infirmities, and from the machinations of the vile set now surrounding him: and let us call her majesty, the beloved queen-mother, to govern in his royal name; for which act we have laws and precedents. We can re-assume the royal power, and confer it upon whom we please, and whom we consider best qualified to govern and preserve the kingdom, as our ancestors declared on the assemblage of the Cortes in 1641. And on what better occasion than the present can we exercise this most sacred right? Let, then, the queen Donna Carlotta de Bourbon govern! and death at one blow to the republican monster of free-masonry; the gallows and the triangles must work conjointly, and with energy; and fires must be kindled in every quarter of Portugal to reduce to ashes the bodies and properties of these vile monsters!—then, and then only, may we raise our voice safely and triumphantly—"

intendant himself under the intendency of a certain Luzuriaga, whom she had selected as a new confidential agent; and this Luzuriaga was an exiled Spanish thief. He had originally made his name known by certain atrocious achievements in the Spanish army of the Faith. He had then turned robber, and been condemned to the galleys. He made his escape; and, in consideration of his former services, was recommended to the protection of the queen mother of Portugal by the apostolics of Madrid. He was now her prime minister, and took the intendants of the police under his own especial charge. He set himself to intrigue against Camposano the Spanish ambassador at Lisbon. By the influence of the queen over her royal relations in Spain, he succeeded in having Camposano recalled; but the same messenger, who brought to the latter Ferdinand's order for his return, brought also an order from the Spanish foreign minister to claim the run-away galley-slave. Luzuriaga, however, safe in the protection of his mistress, and of the ministers of whom he was the worthy colleague, laughed the demand to scorn.

The scenes of bloodshed and confiscation at Lisbon were not more extensive or ruinous than those which were exhibited at Oporto. A special commission had been sent to that city from the capital, to take proceedings against the persons who had been involved, or were suspected of having been involved, in the fruitless enterprise of the constitutional party in 1828. It first proceeded against those who, knowing the temper of the government, had fled from the country. On the 23rd of December, twenty-two of these individuals

were cited to appear before the commission at the end of two months, to take their trial for rebellion. The greater number of them were officers of rank in the army; but the list included likewise several judges, and some merchants of Oporto. As none of them appeared, they were declared guilty of treason in the highest degree, and their estates were confiscated. In the mean time, the preparatory inquiries, necessary for the trial of the constitutionalists who were in custody, had been going on. Twenty-three of them were brought before the commission; of these, eleven were sent, for different periods, to different places of banishment; the remaining twelve were condemned to death. The sentence was immediately ratified, but its execution was delayed some weeks, till arrangements should be made for carrying it into effect with security. The number, too, and the respectability of the victims, produced much intercession, and obtained some respite. Only two of the number, however, were saved; the one, formerly a corregidor, whose sentence was commuted into one of hard labour for life, and the other, a clerk in a mercantile house, who, after being flogged, was to be sent for life to the galleys of Angola. It was made part of the commuted sentence of the corregidor, that he should perform, when required, the duties of a public executioner. The other ten were executed on the 9th of May.*

* The following were the persons who suffered.

"Francisco Manoel Gravito da Veiga e Lima, ex Desembargador of Appeals in the Court of Supplication.

"Victorio Telles de Medeiros e Vasconcellos, ex-lieut.-colonel of the regiment of Militia of Louzan.

"Francisco Silveiro de Carvalho,
[N 2]

The inhabitants of Oporto manifested their sentiments, on the day of execution, by shutting up the shops, and abandoning the streets and public places, as if the city had been in mourning. The authorities, offended at the expressive silence which reigned throughout the town, sent patrols of cavalry through the streets, and compelled the citizens to open their shops. The apprehensions of some public commotion had been so strong, that the intelligence of the execution having been carried tranquilly into effect, was thought worthy of being communicated to the capital by telegraph; and in Lisbon the creatures of the court were publicly congratulating each other on the event, as on the occurrence of some national triumph. Among the prisoners at Oporto, was a British merchant, accused of having encouraged the military of Oporto who began the insurrection on the 16th of May. As the privilege of British residents required, he was tried before a particular judge, the Judge Conservator of the British nation, to

Fiscal of the Tobacco Contract in the city of Aveiro.

"Jose Antonio de Oliveira Silva Barros, First Book-keeper of the Royal Snuff and Soap Contract.

"Manoel Luiz Nogueira, Barrister-at-law, and Registered Advocate of the city of Oporto.

"Antonio Bernardo de Brito e Cunha, Comptroller of Finances.

"Clemente da Silva Mello Soares de Freitas, ex-Juiz de Fora (Magistrate) of Villa da Feira.

"Bernardo Francisco Pinheiro, ex-Captain of Ordinanças (Local Militia) of the district of Villa da Feira.

"Joaquim Manuel da Fonseca Lobo, ex-lieut.-colonel of the 11th Battalion of Riflemen.

"Jose Maria Martiniano da Fonseca, Barrister-at-law, from and domiciliated in, the island of Madeira."

whose jurisdiction alone our countrymen are subject. By that tribunal he was acquitted; but the government immediately cancelled this sentence, and ordained him to be removed from Portugal and its dominions. The British consul, however, immediately interfered to assert the rights of his countrymen, secured by treaty and long possession; the sentence was recalled; the condemned was readmitted to Portugal, and re-instated in his property.

The rage of the usurper was well backed by the bigotry of the priesthood. In their sermons and publications they applauded the work of death and devastation, as an acceptable offering on the part of a pure and pious government. Jose Agostinho, a monk, who was a court preacher, and the confessor of Cadoval, the prime minister, published, in the beginning of May, a pamphlet, called "The Beast Flayed," for the express purpose of urging the necessity of multiplying sacrifices. "The Constitutionalists," said he, "must be hung up by the feet. May God send that the executions begin in these long days of May, which give full time for them. As this year threatens scarcity, let the people be joyfully treated daily with fresh meat from the gallows." To follow out these infernal advices, a new commission was named to try, that is, to condemn, between forty and fifty new prisoners; but a partial respite was obtained, in consequence of Furtado Rio ceasing to be minister of Justice. His removal was said to have been effected partly by the influence of the foreign consuls, partly by that of the Spanish ambassador.

He was succeeded by Mattos, who seemed inclined to be less san-

guinary, and, at all events, less indiscriminating, in his punishments. One of his first acts was to free the police from the queen mother's agent Luzuriaga; he gave up the felon to the Spanish authorities. The trials of the prisoners, who had been intended to supply "fresh meat" to the people, was postponed. A proclamation was issued, censuring the course which had hitherto been pursued, in imprisoning and punishing every person against whom even an anonymous charge had been made, and expressing his majesty's great anxiety that the innocent should not be confounded with the guilty. Barata, the intendant of police, was dismissed, and was succeeded by a M. da Veiga. But the slight efforts of these men to mitigate, in some measure, the horrors of the reign of terror were neutralized by the influence of the queen. While the new intendant was setting at liberty many innocent prisoners, who ought never to have been incarcerated, the queen issued instructions to the Royal Volunteers to oppose the execution of his orders; and these instructions were obeyed. Veiga prepared an ordinance, directing that all, who counteracted the measures of his department, should be immediately imprisoned. Miguel, before signing it, communicated it to his mother, who immediately wrote to the intendant in the following terms:—"Informed that, by an ordinance which is to appear, power is given to the enemies of the altar to imprison those who in their opinion may insult them, I let you know that whatever you'll attempt against the character of those who are the only true royalists, will bring upon you my indignation, and that you must dread my resentment."

This letter being shown to Miguel, he said, "Well, we must not oppose the wishes of our beloved mother;" and Mr. Veiga ceased, and caused the judicial commission to cease, from acquitting and liberating prisoners, as they were much safer in prison, than when exposed to the anarchical persecutions of the Royal Volunteers. What was gained, therefore, by this change of officers was only a very limited mitigation; but even the smallest relaxation was treated as a blessing. Prosecutions, unjust and oppressive prosecutions, continued; but they did not end in blood. To relieve the prisons, and make room for a new succession of miserable inmates, the most respectable political convicts, of all ages and classes, were shipped off to Africa; and, that its pestilential climate might do surely the work of the executioner, neither unconfirmed youth, nor feeble old age, nor the infirmities of disease, nor the disabled trunk, maimed in the service of the country, could excite compassion in this crowned monster, and his atrocious satellites. On the 10th of July, sixteen prisoners were sent from Lisbon to Oporto to take their trial. Among them was a widow lady, who had the misfortune to be one of the wealthiest persons in the kingdom. To get possession of her fortune, she was accused of having abetted, by her wealth and credit, every revolution that had taken place in Portugal since 1820. The criminal tribunal of Oporto claimed her, after she had suffered for a year all the misery and disease which the dungeons of the Linnoeiro could inflict. The physicians of Lisbon certified, that she could not be removed without extreme danger to her life. But as

there was no anxiety that such danger should be avoided, she was immediately shipped off, in the company of the other prisoners, with no more regard to her station and her sex, than would have been paid to the meanest ruffian.

About the same time, the Commission of Oporto having condemned two more of the constitutionalists, the one to death, and the other to banishment for life, the former was pardoned, that he might accompany the latter to Africa. Mercy was so new, that the intelligence of this act of grace excited loud rejoicings in Oporto. These expressions of pleasure were treated as proofs of a factious concern in the welfare of men who were enemies to the state; and thirty of the inhabitants of Oporto were imprisoned, because they had dared to rejoice that Miguel could pardon. Their satisfaction was not long-lived; for, in a short time, two other military persons were executed at Oporto for their political offences, one of them holding no higher grade than that of serjeant, a rank seldom included in prosecutions for crimes of that description. He was believed to have fallen innocently, a victim of certain underlings of office, who owed him debts which they took this method to discharge. Four more were condemned at the same time; but their sentence was commuted into transportation for life to Africa, after they had been compelled to witness the execution of their comrades. Sentence was likewise pronounced, in the month of August, against the marquis Palmella, count Villa Flor, count Sampayo, general Saldanha, and the other officers, twenty-one in number, who had gone from England in the preceding year to lead,

or assist in, the bootless enterprise of Oporto. Fortunately they had all escaped. In their absence they were condemned "to be degraded from their rank, to be executed on the Praça Nova, and afterwards their heads to be cut off, the bodies of some of them to be burned, and the ashes cast into the sea: their heads exposed on the road from Malezurhos to the sea-coast where they landed, and there remain till they decayed with time: the property of all of them to be confiscated to the royal treasury."

Miguel, while he thus proceeded against the avowed or suspected enemies of his usurpation, naturally provided for the safety of those who had been the enemies of the constitution which he overturned. Many persons had been put in a state of accusation on account of their participation in the rebellious movements of 1826 and 1827. There was no reason to apprehend that, under Miguel, the investigations against them would be continued; but he thought it right to secure them by a decree, putting a stop to all proceedings against "individuals accused of opposing the extinct and proscribed form of constitutional government, an opposition which ought now to be considered as proving the loyalty with which his majesty's faithful subjects detested such a monstrous innovation on the fundamental laws of this monarchy."

The natural result of such a state of political society, presenting only oppression on the one side, and distrust on the other, was the total interruption of commercial business, and the cessation of manufacturing industry. The lower classes of the people wanted food and employment; the rents of the landed proprietors remained unpaid; the

fruits of plunder and confiscation disappeared among the unprincipled agents who were employed to realize them, and whose faithful service was too essential to make it safe for the despot to disgust them. The consequence of all this was, that Don Miguel was in poverty. In the earlier part of the year, he attempted an issue of paper money, on which interest at six per cent was promised, as an inducement to its being brought into circulation. The paper and the obligation were of precisely the same value; every man knew they were worth nothing; the circulation of the new notes was, therefore, forced. Every private individual, every merchant, every shopkeeper, who refused to take the paper, was accused of being a revolutionist, and arrested without farther evidence. To say "I have no change," exposed a man to be seized immediately by the royalist volunteers, or the myrmidons of the police. The emissaries of the police, and the agents of government, went about from shop to shop, making purchases with this government paper, and demanded change under a threat of government vengeance. Even Miguel himself sent his servants to change it to the houses of all the bankers, money-changers, and merchants, who, at the sight of the palace livery, dared not to resist his extortion. At the same time, no fiscal department received these Government notes in payment of duties or taxes. His next attack was on the Bank of Lisbon, the only remaining institution of the constitutional government, one of those institutions which the hand of despotism cannot even approach without doing injury. He laid hold of 300 centos* of the *Deposito*

publico in the bank, leaving about 100 more. There was instantly a run upon the bank. It paid in specie all of its notes that were presented; but the directors informed government they would call in their notes, and close their operations; and that, in the mean time, they would no longer discount the weekly bills or cedulae in which the government paid its accounts. The bank again being threatened, that, if it adopted either alternative, its coffers would be visited by the royal volunteers, found it prudent to submit. The readiness with which it had paid its notes put an end to the run; and the government forced up the market value of its paper by one of those measures to which governments like Miguel's, unrestrained as they are even by the dread of injuring a credit which does not exist, can always have recourse. They sent *sbirros* through Lisbon to take down the names and abode of all the *cambistas*, or discounters of paper-money; threatening them with immediate imprisonment, and the application of the law against usury, not only if the agio of the paper-money should rise, but even if it did not return instantly to its former level of 26 or 27 per cent. The threats of imprisonment, and transportation to Africa, were superfluous; to these men an injunction to lower the agio was most agreeable, as they were over-stocked with paper-money, bought at 29 and 30 per cent discount. As they held most of the paper-money that was necessary for daily transactions, they could compel the very persons, who had sold at 30 per cent, to provide themselves with that indispensable currency at 26 or 27 per cent; for all payments were made half in hard cash and

* A cento of reis is about 200*l.* sterling.

half in paper. To aid this forced combination of the cambistas, Government called upon the future contractors of snuff, ordering them to buy instantly some large sums of paper-money on its account, at whatever prices the cambistas might ask. The consequence of this was, that, while the paper-money was at a discount of 32 per cent at Oporto, at Lisbon it was varying between 26 and 27. But even expedients like these, while they immensely increased all future difficulties, failed to give any effectual relief to the public necessities. Great efforts were made to pay regularly, every fortnight, the soldiers of the garrison; but sometimes the money could be raised only by compelling the snuff contractors to advance, on the credit of their contract, the insignificant sum. The pay of all the public officers, civil or military, (with the exception of the police, who were allowed to pay themselves), was in arrear for many months—of some of them, for a whole year. They held indeed obligations for their monthly payments, but no man was foolish enough to give them money for such documents.

Great exertions were made, in the beginning of the year, to fit out an expedition to reduce Terceira, one of the Azores, the only spot in the dominions of Portugal which yet remained true to its rightful monarch. On Miguel's usurpation last year, it had declared for the young Queen, about the same time with Madeira, but had been more successful in its resistance. It was governed, in the name of the Queen, by general Carbarra, who had about 500 infantry, and 200 artillery under his command. The island had ever since been blockaded by a small Portuguese squadron:

but, in defiance of the blockade, Count Villa Flor, and a numerous body of the Portuguese whose adherence to the constitution had driven them from their country, succeeded in throwing themselves into it, and adding both numbers and confidence to the garrison. Villa Flor took the command. He had shewn himself an able and enterprising officer in the rebellions which followed the introduction of the constitution. His deep stake in the undertaking, the inevitable and dreadful retribution which awaited him if he failed, as a nobleman whose head would have been the most welcome present that war could bring to Miguel, and the impossibility of escape, cooped up as he was within the verge of a small island, gave assurance of a desperate, as well as of a skilful, defence.

In the middle of June, an expedition sailed from Lisbon to effect the reduction of the island. It did not reach Terceira till the end of July, when it joined the blockading squadron, and, having procured a number of boats from the neighbouring islands, prepared to make the attack, and effect a landing, on the 11th of August. The ships made their approach with great caution. At day-break, the better to conceal their designs, they appeared close under land in front of the bays to the west of Angra and the castle; but soon after, the wind blowing fresher, and showers obscuring the horizon, they changed their course, and gliding rapidly along the coast, suddenly appeared in the bay of Villa Praya. The proximity to the land, in which, favoured by the wind, they had been enabled to double the Cape of Praya, and the mists and showers which obscured the horizon, concealed their

movements; and it was only at eleven in the morning, when the fog cleared off, and the wind calmed, that the man-of-war was discovered, which formed the vanguard of the squadron. She was entering the bay, followed by all the ships of the squadron, with the exception of a corvette left off the port of Angra. The port of the fort instantly opened its fire, and was answered by the man-of-war and other ships of the squadron, which, continuing their course, penetrated as far as the water allowed them, cast anchor, took in their sails, and kept up without interruption a vigorous cannonade. By four o'clock in the afternoon, the enemy, without ceasing their fire from on board for a single moment, sent a column of troops in the launches, who attacked with rapidity and courage the point where the fort of Espirito Santo stands, and where an accumulation of large stones of basalt, and masses of lava, form a strait, at the base of a scarp of stone, nearly vertical. The volunteers, however, the only force which Villa Flor had to depend on, did their duty well; and, in the face of a heavy fire which covered the landing, succeeded in driving back some of the barges. But the greater part of the attacking force, casting themselves boldly upon the rocks, and climbing the fort of Espirito Santo, which was now evacuated, succeeded in throwing some men into the interior of it, whilst a few others further off got up the scarp or slope. Their design was, to gain possession of the fort, and the crest of the rock, and to occupy with this force the heights on the left of the constitutionalists, in order to protect their ulterior operations. The volunteers frustrated this plan. Climb-

ing rapidly the height which commanded the fort, they jumped into it, bayonet in hand, dislodged the enemy, precipitated them down to the rocks on which they landed, and themselves garrisoned the crest of the scarp.

The invaders, in the mean time, had withdrawn their launches on board the ships, in order to land a second body of troops, and had left the troops already landed, consisting of their best men, exposed between the sea and a difficult slope in possession of the constitutionalists. Villa Flor, marking his opportunity, threw in upon them his central and strongest column, which had not yet been in action. The rout and confusion were instantaneous—if that can be a rout, where there was no possibility of running away. With the sea on one hand, and inaccessible cliffs on the other, the continued fire of the constitutionalists pouring in upon them from before, behind, and above, they called in vain for the launches to re-embark them. Abandoned in a position where they could neither extend themselves and form, nor retire, they sought shelter among the rocks which the sea was gradually invading, as the tide was coming in, or crept for concealment into caves which the billows had hollowed out in the cliffs.

This first body being put thoroughly *hors de combat*, Villa Flor immediately dispersed his force to resist the attack of the second body, which was now leaving the ships. Scarcely were his dispositions taken, when, under shelter of the man-of-war and frigates, a second column was embarked, and the launches, appearing in succession, threatened his right; but the first fire of the field artillery of the constitution-

alists from the battery, having upset the first launch, and the next having disordered their whole line, the launches drew back and covered themselves under the line-of-battle ship. The rest of the artillery, and the mortars of the constitutionists, having been delayed by the difficulties of the road, now arrived, and the first grenade which they threw threatened the squadron with a new danger. It was, however, now night; the tide was full; the man-of-war, which at low water had touched ground, floated again; and the calm, which prevailed during the evening, was succeeded by a light breeze. The commander's ship, seeing the attack on the right frustrated, and having lost the flower of his troops, which had attacked the left, made signals to the rest of the squadron; and the ships, cutting their cables in haste, sailed out of the bay and put to sea, which they would not all have effected, if there had been time to bring to the batteries of Praya a greater number of pieces of a larger calibre, or if the mortars had arrived sooner. Besides the loss sustained in the second attempt, the Miguelites lost the whole body of troops landed for the first assault, which amounted to between eight hundred and one thousand men. Nearly four hundred of them were made prisoners; the rest were killed or drowned. The second in command of the expedition was killed; the commander-in-chief died of his wounds, in the course of the voyage back to Lisbon.

When Don Miguel declared himself king in 1828, the Spanish ambassador had withdrawn from Lisbon, along with the rest of the *corps diplomatique*. This retirement was a mere passing homage to the sense of duty and honour

which had dictated such a proceeding to the representatives of the other European sovereigns. That Miguel had become king by destroying a constitution was, in Ferdinand's eyes, the most sacred title by which royalty could be held; and Miguel's interest was supported at Madrid, by the great influence of his mother over Ferdinand's family. In the course of the present year, Ferdinand acknowledged Miguel as king of Portugal; the relations of amity were formally re-established; and signor Acosta Montalegre presented his credentials as envoy extraordinary and minister plenipotentiary, on the 14th of October. Ferdinand was doing all he could to recommend successful usurpation to the adherents of his brother Don Carlos. The Pope's nuncio, too, on Don Miguel's birth day, repaired to the palace, and paid his respects to him, when seated on the throne.

The other sovereigns of Europe still kept aloof from any communication with the usurper—from any act which might be considered a recognition of his title. The Portuguese refugees, and the ministers of Don Pedro, insisted that they ought to do more, and drive him from his throne by positive interference. These applications were addressed particularly to the British ministry. The marquis of Barbacena the Brazilian envoy, presented an official note to lord Aberdeen, detailing the treaties that regulated the relations between Britain and Portugal; exposing the lawless course of Don Miguel's aggressions; and concluding that Miguel's proceedings, crowned by his assumption of the style and state of king, formed an attack upon the rights of the true sovereign of Portugal, Donna Maria, which Britain, by her treaties

with that country, was bound to lend her aid in repelling. Lord Aberdeen, in answer, admitted to their fullest extent the obligations created by these treaties; but he maintained that they gave no countenance to the demand now made of an armed interference on the part of Britain, to remedy the consequences of an internal revolution. "It is assumed," said our Foreign Secretary, "that the usurpation of the throne of Portugal by the Infant Don Miguel has given to her most Faithful Majesty, the right of demanding from this country effectual succours for the recovery of her crown and kingdom. But in the whole series of treaties there is no express stipulation which can warrant this pretension, neither is such an obligation implied by their general tenor and spirit. It is either for the purpose of resisting successful rebellion, or of deciding by force a doubtful question of succession, that Great Britain is now called upon to act. But it is impossible to imagine that any independent state could ever intend thus to commit the control and direction of its internal affairs to the hands of another power. For, doubtless, if his Britannic majesty be under the necessity of furnishing effectual succours, in the event of any internal revolt or dissension in Portugal, it would become a duty, and, indeed it would be essential, to take care that no such case should exist, if it could be prevented. Hence a constant and minute interference in the affairs of Portugal would be indispensable; for his majesty could never consent to hold his fleets and armies at the disposal of a king of Portugal, without exercising those due precautions, and that superintendence, which would assure him that his

forces would not be employed in averting the effects of mis-government, folly, or caprice. Is this a condition, in which any state, professing to be independent, could endure to exist? The truth is, that the whole spirit of the treaties, as well as their history, shews, that the principle of the guarantee given by England is, the protection of Portugal from foreign interference."

The British Government refused, therefore, to interfere in this domestic quarrel; and, holding that it was not entitled to make any distinction between the claimants of the Portuguese crown, in so far as their respective pretensions were supported only by domestic force, it considered itself bound to observe, in regard to all military operations, a strict neutrality. A great number of Portuguese refugees, most of them military men, had arrived in England, taking up their residence principally in Portsmouth, Falmouth, and the neighbourhood. As it was believed that they were meditating to fit out some expedition from these ports against Don Miguel, the British government, holding that to permit this would be a breach of neutrality, informed the Brazilian minister, that it would not allow such designs to be carried on in British harbours, and that, for security's sake, the refugees must remove farther from the coast. The envoy then stated that those troops were about to be conveyed to Brazil; and accordingly four vessels, having on board six hundred and fifty-two officers and men, under the command of general count Saldanha, who had been the constitutional minister of war, sailed from Plymouth. The British government suspected that the true design was to land those troops

at Terceira, although the ostensible destination was Brazil: notice was given to them before they sailed, that any such attempt would be resisted, and a small force of armed vessels, under the command of captain Walpole of the *Ranger*, had been dispatched before hand to Terceira, to enforce the prohibition. His instructions were, to cruise off the island,—to inform the Portuguese, if they appeared, that he had authority to prevent their landing; “and, should they persist, notwithstanding such warning, in hovering about, or in making any efforts to effect a landing, you are then to use force to drive them away from that neighbourhood, and keep sight of them until you shall be convinced, by the course they may steer, and the distance they may have proceeded, that they have no intention of returning to the Western Islands, or to proceed to Madeira.”

The suspicions of the British government were justified. The expedition of count Saldanha appeared off Terceira on the 16th of January, and was discovered by captain Walpole standing right in for Port Praya. He fired two shots, to bring them to, but they continued their course. The vessel, on board of which was Saldanha, although now within point blank range of the *Ranger*'s guns, seemed determined to push in at all hazards. To prevent him from effecting his object, captain Walpole was under the necessity of firing a shot at the vessel, which unfortunately killed one man, and wounded another. The vessels then lay-to, and to a note from captain Walpole, inquiring what was their object in coming thither, Saldanha answered, “my object in appearing here is to fulfil the orders of her majesty the queen of Portugal, and which prescribe

me to conduct, unarmed, without any hostile appearance, to the isle of Terceira, the men that are on board the four vessels in sight, which island has never ceased to obey and acknowledge, as its legitimate sovereign, her faithful majesty Donna Maria II. As a faithful subject and soldier, I think it unnecessary to assure you, that I am determined to fulfil my duty at all peril.” Captain Walpole replied, that he, too, had instructions to obey, and an imperious duty to perform; that both of them prevented him from allowing the count, or any part of his force, to land, either at Terceira, or on any of the western islands or the Azores, or even to continue in that neighbourhood; that, therefore, unless the count immediately quitted the vicinity of the islands, he should be obliged, and was determined, to use force to compel him to do so. Saldanha then declared that he considered himself, and his men, as being, in these circumstances, captain Walpole's prisoners; that they would follow his vessels wherever he chose to take them, but must have a written order to that effect, and be supplied with water and provisions. Captain Walpole simply answered, that they were at liberty to go to England, to France, or wheresoever they chose, provided only they quitted the islands. Saldanha still insisted that he should be told whether or not he was considered a prisoner of war; if he was, he would follow; if he was not, he would pursue his course, and endeavour, at every risk, to fulfil his instructions; “only force shall prevent me from executing the orders of my queen.” Captain Walpole's reply still was,—go where you choose, but don't stay here: “if you persist in hovering about

these islands, it is my duty and firm determination to carry those measures you are already in possession of into full effect. I therefore trust you will see the wisdom of quitting this neighbourhood." The Portuguese vessels then made sail for the westward, accompanied by the British ships. They continued together till the 24th of January, when captain Walpole having sent a note to count Saldanha, requesting to know whether it was his intention to proceed to England, as the captain, who was himself to return to Terceira, wished to forward dispatches to government, count Saldanha returned the following answer: "Sir,—I am astonished at your question. What, Sir? you came to Terceira to make us prisoners; you have escorted us these eight days; you have prevented me fulfilling my orders; you have endangered the lives of so many faithful subjects of the most ancient allies of your sovereign; you have made us consume our scanty provisions; you have positively obliged me not to separate my vessels; you have used over me the discretion of a conqueror, and at the end of all this, you ask me where I am going! I do not know, Sir, where to; the only thing I know is, that I am going wherever you will lead us, according to my positive assertions in every one of my official letters." —Captain Walpole must now have seen clearly, that, although he had prescribed no course, it was Saldanha's intention to represent the course, in which the Portuguese vessels had actually sailed, as one which had been forcibly imposed upon them by the British squadron, treating them as conquered enemies placed under its control. He therefore answered "Sir,—I am

both surprised and confounded at the contents of your letter just received, after my repeatedly declaring to you in my correspondence that you were at liberty to pursue your own course and discretion.—I have now to inform you, that your conduct has determined me to escort you no further." The captain accordingly, having now brought them within five hundred miles of Scilly, and seeing them still pursuing a channel course, parted company, and returned to his station at Tercéira, leaving them to go wheresoever they might think good. In February he stopped another vessel, with about forty Portuguese officers and men, entering Port Praya, which had likewise sailed from London, and, having supplied her with water and provisions, sent her off from the islands. Count Saldanha, and his squadron, instead of returning to England, proceeded to Brest.

This occurrence excited a great deal of notice in Europe, and was brought under the notice of the British parliament. It was represented as a direct act of hostility in favour of the usurper against the queen of Portugal, who, received as queen, was then actually residing in England; it was an armed interference in favour of Miguel, at the very moment when we pretended that our strict neutrality allowed no interference at all. If not bound by treaties to assist the queen in recovering her crown, whence arose our right to prevent her, by means of her own subjects, from making the attempt? Even if this armament had been fitted out for the purpose of reducing by force some settlement which acknowledged Don Miguel, or even of invading Portugal itself, what right had Britain to oppose such

an expedition?—Or what could excuse the barbarous injustice of telling the lawful monarch that, in so far as we were concerned, she must work out her restoration by his own strength, and then, when she put forth her strength, telling her that we would not allow it to be employed. But the case, it was said, was still worse. Terceira was not in the possession of Miguel; it had never acknowledged him. Terceira was the queen's; it was governed in the queen's name; it was garrisoned by the queen's troops. Captain Walpole knew this; for his report to the Admiralty bore, that, on his first arrival, he had anchored at Angra to ascertain who were in authority, and found the island to be in possession of the constitutionalists, under a constitutional governor, with a constitutional garrison. The armament, therefore, was an attack upon nobody; it was only the act of one belligerent securing his dominions against the attacks of the other. Yet Britain had actually prevented the queen of Portugal's subjects from entering upon her own territory. Recognizing the right of the queen, refusing to admit the title of Miguel, and pretending to maintain a strict impartiality between both, we had actually interfered by force to prevent the queen, whom we acknowledged, from strengthening her garrisons against the usurper, whom we disavowed, and that, too, when it was known that the usurper was preparing an expedition to attempt the reduction of that very island.

But all these reproaches, and all this argument, rested entirely on an omission of the only element which was of any importance in deciding the question; viz. the fact that this was a warlike armament

fitted out in a British port. Whether a neutrality between the two competitors for the crown of Portugal, the one claiming by direct succession, the other by a vote of the Portuguese Cortes, and in actual possession, was a right or a wrong step, is here matter of indifference. It may not have been imposed by any rule of international law; it may not have been required by any sound views of expediency; it may not have been that course which generous and just feelings would have wished to pursue. Be that as it may, neutrality had been adopted as the rule of the British government; and, that point being fixed, it seems difficult to deny, that to have allowed the Terceira expedition to reach its destination would have been a breach of the neutrality which we professed, unless it be held that neutrality is not violated by allowing a belligerent to use your harbours and arsenals for the purpose of fitting out his armaments. The British Government could not prevent the expedition from being equipped at Plymouth, because it was covered under the disguise of an intended voyage to Brazil; but they did every thing in their power to prevent disappointment by giving warning that, if it proceeded to Terceira, a landing there would be opposed. If the equipment had been carried on with an avowed intention of garrisoning Terceira, that is, if one of the belligerents had been openly providing himself, in a neutral port, with all the common and necessary munitions of war, the rules of neutrality would have bound the government to interrupt it. The disguise which was used disabled the Government from discharging that duty; but its next duty was to

prevent, if possible, the successful execution, by deceit, of measures which, if openly avowed, its neutral character could not have tolerated. Neutrality requires that the neutral's harbours shall not be lent to the warlike use and benefit of one of the belligerents; in the present instance, a British harbour had been used to send forth a large reinforcement of armed men and military stores. The British government, therefore, as a professed neutral, was bound to have prevented this use from being made. Having failed in this, in consequence of the belligerent using false pretences, their duty as neutrals demanded, that, on discovering the deceit, they should provide against its being carried into effect. In doing so, they did not interfere with the queen of Portugal's right, either to assault her adversary, or to strengthen her own position; they merely said that her armaments, whether for attack, or for re-inforcement to resist attack, must not be made in British harbours. They did not say, that the queen of Portugal's subjects should be excluded from the queen of Portugal's dominions; they merely said, that her troops must not sail to her dominions from British harbours, in military guise, under military command, with warlike munitions for warlike purposes. If, while captain Walpole's squadron was warning away these four ships and six hundred men, a fleet had appeared off Terceira, coming from Rio Janeiro, or a French port, or any other than a British port, and bearing a whole army, captain Walpole would never have thought of challenging them, and would probably have bid them God speed. If, on the other hand, Miguel's

expedition against Terceira had been fitted out at Plymouth, instead of Lisbon, his commander would have received the same interruption that was given to count Saldanha. The abuse, therefore, which, on this occasion, was lavished on the British Government by many persons at home, and by all the liberals abroad, was undeserved. If they were to be assailed, the object of attack ought to have been the fact of their neutrality, and not their adoption of proceedings, which the maintenance of that neutrality rendered imperative. It was only to be regretted that the occurrence should have exposed us to the applauses of Miguel, who announced in the Lisbon Gazette, that "the conduct of England towards Portugal, in such circumstances, had been above all praise."

In the mean time, negotiations had been going on at Rio Janeiro, between Don Pedro and the ministers of England and Austria, to effect some arrangement of the affairs of Portugal; and a deputation had been sent out by the constitutionalists to represent to him how these affairs truly stood, and to urge the necessity of adopting active measures. Pedro refused to listen to propositions from the foreign negotiators, which involved the sacrifice of any portion of his daughter's claims; and to the Portuguese deputation he gave the assurance, that he had resolved to act in such a way as would shew the world his determination to maintain the rights of their queen, and to enter into no compromise with the usurper of her crown. Unfortunately, however, although it might be honourable thus firmly to refuse submission to successful crime, Pedro did not

seem to possess sufficient means of resistance. To quiet the apprehensions of his transatlantic subjects, he had declared that he would not involve Brazil in this Portuguese quarrel. As the powers, which withdrew their ambassadors from the court of the usurper, had professed their resolution to take no further steps in the dispute, no active interference could be expected from them. Even this expression of their disapprobation could not be continued much longer; two countries cannot always remain cut off from the usual modes and channels of amicable political relations, because the ruler of one of them is a cruel and hateful usurper, if those, who alone are bound or entitled to remove him, are too weak to effect it. Pedro did not strengthen the hopes of his party by the resolution which he adopted of recalling his daughter from England to Brazil. The British Government, who were acting with perfect good faith towards the queen, though they could not violate their neutrality in her behalf, remonstrated against the impolicy of a step which would only aggravate the discouragement of her loyal subjects, and relieve Miguel from the apprehension which perpetually galled him, so long as Donna Maria remained within a week's sail of Portugal, in readiness to take advantage of contingencies, and to serve as a rallying point for the alienated spirits of the Portuguese, whom his tyranny from day to day was disgusting. Her abrupt return to Rio de Janeiro, after an hitherto unsuccessful voyage to Europe, would furnish to the enemy plausible grounds for affirming, that she had abandoned all pretensions to the crown of Portugal, and had left Don

Miguel undisputed master of the field. To guard against such sinister constructions, and especially to disclaim the notion that her departure from Europe involved an abdication of the crown on the part of her majesty, or an indifference to his daughter's rights on that of Don Pedro, the Brazilian minister made public the following declaration:—

“At the point of complying with the positive order which the emperor my august master was pleased to transmit me, in quality of father and guardian of her majesty Donna Maria-II. reigning queen of Portugal, that I should conduct her to his presence, it is my duty, according to my instructions, to explain the intentions of his imperial majesty to all her faithful subjects, that they may know the true motives of this imperial resolution, and not suffer themselves to be deceived by unfounded fears or malignant insinuations.

“The separation of her most faithful majesty from her august father was the necessary consequence of her exaltation to the throne of Portugal. Her coming to England, and her temporary residence in the states of her most ancient ally, were occasioned by the odious usurpation of her crown, accompanied with the violation of the most sacred oaths, to the shame of the governments and nations of both worlds.

“The return of her majesty to the bosom of her family is the necessary effect of the struggle which unhappily exists between legitimacy and usurpation; for the paternal tenderness of his imperial majesty requires, that in such extraordinary circumstances, until the desired moment in which the queen Maria II. shall be raised to

the throne to which Heaven has destined her, he should be the defender and guardian of her august person.

“Far, therefore, from abandoning the cause of his beloved daughter, his imperial majesty persists in his unalterable resolution to protect her, and never to come to terms with the usurper.

“Whatever may be the difficulties and obstacles which retard the success of the cause of honour, justice, and legitimacy, the subjects of her majesty must never relax in the glorious defence to which they are pledged, for the justice of the cause ensures its triumph; and if any persons, during the struggle, prefer an asylum in the Brazils to that which some of the powers of Europe have afforded them, they may rely, and I can assure them, by the express order of the emperor my master, that they will find in Brazil that generous hospitality so justly due to them, for their undeserved misfortunes and their tried fidelity to the august persons of their majesties the king Don Pedro IV. and the queen Donna Maria II.”

The history of SPAIN does not furnish, during the present year, any event of importance. In the earlier part of it, Ferdinand lost his queen, a princess of the house of Saxony, the second wife whom he had married; and, by the end of it, he had provided himself with a third, a princess of Naples. The king and queen of the two Sicilies accompanied their daughter to Spain, taking their way through the south of France; and the marriage was celebrated at Madrid to the great dissatisfaction of the adherents of Ferdinand's brother, Don Carlos.

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In the month of February, ten persons, accused of being implicated in conspiracies and political intrigues, were executed at Barcelona. That, at least, was the pretext, under which count d'Espagne, the governor of the province, put them to death; although the opinion generally entertained of his character, and the mystery with which the executions took place, excited suspicions, that calculations of private interest had a greater share in them than any necessity of repressing actual offences. Other accounts bore, that these persons had, in truth, allowed themselves to be involved in conspiracy, but that these very conspiracies had been framed by the direction and agents of d'Espagne himself, that he might create an opportunity of sating his vengeance. Another partial commotion arose, in the month of June, in those parts of the province nearest to the French boundary. A number of Spanish exiles had taken refuge in the neighbouring districts of France; among them was general Milans, who had been an assertor of the constitutional system in 1823. On the 19th of June the population of Massanet, St. Laurent, and some other border villages, took up arms; general Milans had been invited to head them. The revolt was said to have been stirred up by the governor of Catalonia, for the purpose of entrapping the refugees in the south of France. He was prepared to seize them, so soon as they should pass the frontier to join their countrymen. General Milans, falling into the snare, had almost reached the frontier, when he was stopped at the village of La Roque by the French authorities, and sent to Perpignan. His arrest, and that of several of his countrymen in

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similar circumstances, were believed to have been executed in kindness, to prevent them from running into certain destruction.

To restore the commerce of Spain from the state of exhaustion, approaching to annihilation, to which a long continuance of misgovernment, and exclusion, had reduced it, Cadiz was declared a free port, in the hope of alluring back foreign trade to one of its ancient and favourite haunts. The decree, dated 21st February, permitted the entrance into that port, of vessels belonging to all friendly or allied powers, without payment of duties, or any restriction on the disposal of cargoes. The government Custom-house was to be withdrawn, or removed into the interior, and the levy of contributions or taxes, in lieu of those formerly raised by dues on foreign trade, was to be intrusted to the consulate or municipality. The Spanish minister of finance, in communicating this resolution to the governments of friendly states, was to announce that their subjects would be permitted to settle in Cadiz, and to carry on their commercial transactions with the same privileges, securities, and facilities as natives. In case of a rupture with those governments, or an interdiction of intercourse between them and Spain, time was to be given to their merchants to withdraw their property without spoliation or reprisals; and if it should subsequently be found necessary or expedient to suppress the freedom thus bestowed on the port, the suppression was not to be carried into effect until it should have been previously announced for a year, in order that foreign merchants might not be injured by the sudden withdrawing

of its privileges. This decree was followed up by another, dated the 14th of April, fixing the limits of the free port, and the detail of its regulations.* While it was de-

* The following were the Articles of this Decree:—

“Art. 1. In order to determine the demarcation and extent of the free port of Cadiz, according to the royal decree of the 21st of February ult., it will extend by land to the Cortadura of San Fernando.

“2. In the bay, it will be in a direct line from the Fort of Santa Catalina to that of Matagorda, and from Fort Louis to the Cortadura of San Fernando, which are the limits granted to the free port to national and foreign vessels trading with Cadiz.

“3. As, according to the limits granted, the entrance into the Cano (river) del Trocadero is free, there will be officers stationed to examine such vessels as may proceed thither from the free port, according to existing regulations.

“4. All vessels, whether national or foreign, requiring repairs in the Cano del Trocadero, shall be permitted so to do, without any interference on the part of the officers; and the owners, masters, and captains, of such vessels may freely and unmolestedly take with them the necessary articles for their repairs and outfit.

“5. Vessels of all nations in alliance with Spain, laden with produce, goods, or other effects, whether prohibited or not prohibited, shall have free ingress and egress, for the purpose of trading, within the stipulated demarkation, without being subject to any inward or outward charges, excepting the dues to the Health-office, anchorage, clearing the port, and light-house, as also such as relate to the security of the port and police.

“6. No existing law, instructions, or regulations at present in force, touching my revenue generally through the kingdom, shall contravene, obstruct, or impede the freedom of trade in the said free port of Cadiz, and within its privileged limits; nor shall any of the privileges of the said free port interfere with, or prejudice, or impede in any manner whatsoever, the laws, instructions, or regulations which at present

clared that foreigners, who should establish themselves in Cadiz, or who might be there for commercial purposes, were to enjoy the same protection and security as natives,

constitute the administration of the revenue of my kingdom.

"7. It being necessary to remove from Cadiz the establishment of the Customs and its dependencies, there will be established an office for cockets and certificates.

"8. The above officers shall be subordinate to a superior authority, in conjunction with the governor of the city, who will superintend the exact fulfilment of the duties and the punctual execution of such orders as may be given, and the said governor is empowered to settle any differences that may arise between them and parties interested, in conformity with the royal decrees.

"9. All captains, masters, and consignees of vessels arriving at the free port of Cadiz, will present at the cocket-office extracts of their log-books; also the manifests, accompanied by the certificates of the Spanish consul residing at the foreign ports they may arrive from; and vessels arriving from the ports of my dominions shall produce also the manifests and registers.

"10. The chief of the cocket-office shall, without delay, give to the party requiring the same, a certificate of having received the manifest and other documents expressed in the preceding article, with which the captain may proceed to the discharge of his cargo, without any impediment.

"11. Referring to documents expressed in article 9, the cocket-office shall grant the same, with corroborative numbers, certificates of origin, and whence proceeding; which documents are to accompany such goods, produce, or other articles, that may be destined, by sea or land, to the customs of the Peninsula, adjacent islands, and other ports of my dominions.

"12. The office of the cocket department will, by the same post, advise the respective collectors of customs of the certificates granted, requiring an acknowledgment of their receipt by return of post.

"13. From the same office there will be remitted monthly, to the director-general of revenue, an account of certi-

it was provided that they should be under the cognizance and jurisdiction of the ordinary Spanish authorities. Any proceedings, adopted against them by those

ificates that may have been forwarded, stating, at the same time, those collectors who may or may not have acknowledged the receipts thereof.

"14. The certificates mentioned in article 11 shall be granted in the name of and signed by the chief of the cocket-office, who will also seal the same with a seal bearing the inscription of 'Free port of Cadiz.'

"15. All produce, goods, and effects, either national, colonial, or foreign, exported from the free port of Cadiz in Spanish vessels, shall, upon presenting the proper documents to the respective collectors of the customs of my kingdom, enjoy the same privileges as Spanish vessels, provided said goods have been imported in Spanish vessels, and that the certificates granted at the cocket-office confirm the same.

"16. Goods of my royal monopoly, as well as all prohibited by law, cannot be sent from the free port of Cadiz, to any other ports of my dominions, without being subject to the existing laws and penalties of confiscation.

"17. All produce, goods, and effects of free trade, proceeding from the ports of the Peninsula, or from those of the Spanish colonies, afterwards passing through the customs by sea or land, from the free port of Cadiz, and destined for the consumption of the interior, will be subject only to the same duties which they would have paid, had not their port been free, their origin being confirmed by the certificates granted from the cocket-office.

"18. All goods, produce, and effects of free trade, as well national as foreign, exported direct from Cadiz to any of the ports of my dominions in America and Asia, shall be subject to the duties which they would have to pay, if despatched from any other ports of the Peninsula, or at the port of their respective destinations, or at the nearest port to Cadiz, as I may determine.

"19. All goods prohibited to be exported from my kingdom to foreign parts, are also prohibited to the free port of Cadiz.

"20. The importation of gunpowder

authorities, were to be reported to their respective consuls, but were not to be subject to the interference of the latter. The favours thus bestowed on Cadiz proved injurious to the trade of Gibraltar. The merchants of the latter place at first regarded it as a measure which would affect them only slightly, if at all; but as it gradually came into operation with

unexpected success, many of the mercantile houses, which had establishments on the rock, abandoned them for similar concerns in Cadiz, and others, who retained them, were compelled, by the growth of business in Cadiz, to form establishments there likewise.

This solitary measure of prudence was forced upon Ferdinand by the lamentable poverty of his

and other munitions of war is prohibited in Cadiz: the owners and captains having letters-of-marque are alone permitted to receive a sufficient quantity for the armament and out-fit, corresponding with existing Royal orders.

"21. All goods, produce, and effects, permitted to be exported from other ports of my kingdom, may also be exported from the free port of Cadiz, the same as from any other of the Peninsula, accompanied by a cocket or certificate of origin.

"22. Goods manufactured in Cadiz shall, upon importation at other ports of my dominions, pay the same duties which the raw materials they are composed of are subject to.

"23. The coasting trade from the free port of Cadiz shall be the same as from any other port of the Peninsula, as regulated by Art. 21, without touching at any foreign port, in which case the cargo will be considered as foreign, and subject to duties as such.

"24. Any vessels bound for the free port of Cadiz, and not being able to reach the same by stress of weather or damage, shall, in case of being obliged to put into any other port of my dominions where there is an established custom-house, and upon satisfactorily proving the same, be admitted hospitably, and, if necessary, be permitted to discharge her cargo, depositing the same, properly secured, to the satisfaction of the captain of the vessel and collector of the customs, without being subject to any duties whatsoever.

"25. After the vessel has undergone the necessary repairs, she will be at liberty to re-load her cargo, the captain being only liable to the charges of said hospitality; but should the vessel not be enabled to be safely deposited and secured, it shall be liable to charges to

the satisfaction of the parties interested therein.

"26. All vessels clearing out at one port in the Peninsula, positively for another port of the Peninsula, are prohibited from entering the free port of Cadiz, unless compelled by stress of weather, which must be satisfactorily proved.

"27. A lazaretto of observation will be established adjacent to the free port of Cadiz, as soon as possible, to be stationed in the place best adapted for it; and until the same can be completed, the most active vigilance will be exercised by the officers of the health department.

"28. All prohibited books, papers, or other publications, as well as prints, offensive to religion and morality and to my sovereign dignity, are excluded from importation.

"29. Foreigners established in the free port of Cadiz, or being there for commercial purposes, will enjoy the same protection and security as my subjects.

"30. All foreigners residing in Cadiz will be subject to the Spanish authorities, who will take cognizance of their proceedings, and report the same to their respective consuls for their information, but not subject to their interference.

"31. Foreigners, as well as Spaniards, in the free port of Cadiz, will be equally subject to the general contributions.

"32. The merchants of Cadiz are allowed to trans-ship their goods, and bring them alongside the quay, and carry them to their warehouses in any manner they please.

"33. Should experience require any alteration or modification of any of the preceding articles, or add others, the same will be duly notified.

treasury. His faithlessness in regard to the bonds of the Cortes had already driven him from the English money market ; and while his ministers were looking every where for expedients to work on the credulity of others, a fraud was discovered, deliberately practised by the Spanish government, which bade fair to drive it from every money market in Europe. Immediately after his restoration to absolute power in 1823, Ferdinand had raised a loan in Paris of 16,700,000 dollars of nominal capital, divided into 83,500 bonds of 200 dollars, or 1,000 francs each, at five per cent interest, redeemable annually at Madrid by twentieths. It was called, from the name of the contractor for it, the Guebhard loan. On the 15th of December, 1825, a Spanish decree was issued, authorizing the conversion of this loan into a *rente perpetuelle*. On the 12th of April following, a prospectus of the conditions of the conversion was published by Burgos, the Spanish agent at Paris. By that prospectus, in order to induce bondholders to agree to the conversion, an offer was made to them of an increase of five per cent on the nominal capital, and consequently on the interest. It was intimated that a stockbroker, selected by Mr. Aguado, banker in Paris, charged with the conversion and sinking fund, would instantly put a stamp on the bonds redeemed, whereby they would be cancelled, and would no longer remain fit for circulation ; and finally, that, at the expiration of every six months, the amount of redeemed *rentes* would be made publicly known. Every provision seemed thus to be made against the extension of the debt. It was to be fixed, but not increased ; it was to

be converted from a redeemable into an irredeemable capital, and could not tend to produce any new want of confidence in the solvency of Spain. On the faith of this decree and prospectus, the French minister of Finance, and the Syndical Chamber of the Exchange of Paris, by an order of 27th of June 1826, allowed the quotation, in the *Cours Authentique* of " the Spanish *rentes perpetuelles* proceeding from the conversion of the royal loan of 1823." For the quotation of the conversion of any other loan there was no authority whatever.

On this footing, as all the world believed, matters had gone on. The *rentes perpetuelles*, created by the conversion of this loan of 1823, were regularly quoted ; about 6,000,000 of francs of that loan, that is, about 6,000 of its bonds, now appeared to have been converted, and the interest was regularly paid. But, in an official statement of the different branches of the Spanish debt, published in the present year by the Spanish Treasury, it was unwarily let out, that only 274 bonds, or 274,000 francs had actually been converted. The Parisian bond-holders set themselves to inquire whence had come the other 5,726,000 of *rentes perpetuelles* which, it was admitted, had been created ;—and the fraud was instantly detected. It turned out that there had been a Spanish decree in 1824, authorizing a loan, a decree which had been carefully concealed, and of any loan under which, nobody had ever heard. These six millions of *rentes* had been created by contracting a new debt under this clandestine decree, instead of converting the royal loan of 1823, which supplied only 274,000 francs of the whole.

To make the fraud practicable, the Spanish government and its agents had committed something very like forgery, and what, in every civilized country, is clearly punishable as swindling. Every one of the inscriptions of *rente* making up these six millions, although truly made under the clandestine decree of 1824, and creating a new debt, bore, on its face, that it was issued in virtue of the decree of December, 1825, authorizing the conversion of the loan of 1823. In short, the Spanish government said to itself, "our credit is so utterly gone, that we cannot effect an ostensible loan, either in London, Amsterdam, or Paris. We even find it difficult to keep up, however feebly, the royal loan. Let it be announced, then, that the *rentes perpetuelles* about to be issued are nothing more than the counter value of the bonds of the royal loan: let that be even specified on the inscriptions themselves. The public will fancy, that, far from burthening our credit with the weight of a new debt, we merely take away from circulation an onerous currency, to replace it by a more convenient one. The French ministry will believe in the utility of the operation, and will most certainly permit the prices of the new security to be inserted in the *Cours Authentique*. When once this is obtained, the business is done." No more direct fraud, no more shameless raising of money on false pretences, could well be conceived. It was an insult to the French government; for the French government had authorized the quotation only of a *rente* proceeding from the conversion of a known and specific loan; while Spain, under that denomination and disguise, had thrown into the market a new loan, and created

a new debt, of which Europe had never heard. To Spain herself the advantage was, that, by fraud, she had succeeded in raising money which those, whom she cheated, would never have lent, if they had thought she was borrowing. The evils were, the utter annihilation of any fragments of character or credit which might still linger about her—the burthening herself with a new debt, instead of being relieved by the merging of an already existing debt in one of a lighter kind—an increased necessity of obtaining new dupes, and cheating more extensively, with the impossibility of any longer duping even the veriest of simpletons. The Spanish treasury did not blush to assert that the "*minimum* of its revenues exceeded its annual expenditure;" and as, apparently, no new debt was contracted, the regular payment of the interest on the royal loan gave countenance to the representation. This, too, had been mere deception. The Spanish government had never sent a *sous* to Paris for the payment of interest, sinking fund, or redemption of the unconverted bonds. To fulfil these engagements it had just borrowed more money from the Parisians by creating a new debt, the obligations for which expressly bore that it was not a new debt at all. In this way, a new debt of 130,000,000 of francs had been secretly created, while the former, and only known debt, still remained to the extent of 65,000,000.

ITALY. His Holiness Pope Leo. XII., Hannibal della Genga, died at Rome on the 10th of February, at the age of sixty-nine, after an illness of five days. He had filled the papal chair for only

five years and a half, having been elected in September, 1823, and the brief period of his pontificate had not been characterized by any striking display of ability, or marked by any interesting occurrence. He had headed the ceremonies of a jubilee; he had increased the staff of the church by creating many bishops with real or with nominal sees, and had made a considerable number of cardinals. In his transactions with foreign powers, he had shewn a disposition to maintain and exalt the rights of his triple crown, but had always yielded to their firmness and resolution. In the Netherlands a Protestant king had successfully asserted against him his right to regulate the ecclesiastic seminaries of his Catholic subjects; in France the power of the Jesuits had been curtailed by the force of public opinion, contrary to his own expressed wishes, and the inclinations of a court, willing, in this respect, to support him; and in South America he had listened to the demands of the new republics to consecrate their bishops, although he thereby incurred the displeasure of Ferdinand, the best-beloved son of the Catholic church.

On the 23rd of February, the conclave assembled to elect a successor. After it had sat nominally for thirty-six days, its choice fell on Cardinal Francis Xavier Castiglione, who was elected on the 31st of March, by forty-eight votes out of fifty. He was a native of Cingoli; he was already sixty-eight years old, and assumed the pontifical title of Pius VIII. From the indemnity ordinarily published by a new Pope on his election, he excepted political offenders, who were compared to assassins, undeserving of the clemency of even the compassionate church; and one of the first acts of his power was laying the town of Imola under a sentence of excommunication, on account of a tumultuous attack made on the house of the archbishop of that place, the perpetrators of which the citizens had shewn no anxiety to detect. They took the sentence, however, very easily; it excited little of the alarm which would have accompanied its announcement two centuries earlier; and they patiently waited, without seeming to feel much horror or privation, till it should please the holy father to remove it.

CHAP. X.

THE NETHERLANDS.—*Dissensions between the Ministry and the States General—Progress of the War in Batavia.*—GERMANY—BRUNSWICK.—*Decision of the Diet in the Quarrel between the Duke of Brunswick and the King of Hanover.*

THE Session of the States General of the kingdom of the Netherlands, in the present year, was less tranquil and satisfactory, than any that had been held since the Restoration. Though the king himself continued to be popular, his government had produced very general dissatisfaction by some obnoxious measures, particularly by dismissing judges who were supposed to be too obstinate, and by exercising a great degree of severity against the press, when it happened to criticise the policy of the administration. When the States General assembled, the second Chamber was immediately occupied in discussing the contents of petitions, recommending improvements in the existing system of government. These petitions amounted to 150 in number, and were subscribed by great bodies of people, calling for the institution of juries, the independence of judges, the responsibility of ministers, freedom of public instruction, and the strict execution of the concordat. A motion was made to refer all these petitions to the government, backed with the sanction of the Chamber, as to their urgency and importance. This proposition was resisted by the ministers, who, on the division, were left in a mi-

nority of forty-three to fifty-six. In the discussion, however, of the individual propositions which grew out of these petitions, its opposition was more successful. A new law was passed for the regulation of the press, more liberal than the system which, during the preceding year, had excited loud complaints; but it was still very far from being satisfactory to the public mind, inasmuch as the government successfully resisted the proposal, that cases of alleged abuse of the liberty of the press should be tried by a jury. It opposed itself likewise to a motion for the introduction of grand juries, and for the extension of jury trials to the provincial courts, and other criminal tribunals; and both of these motions were lost. On the other hand, a numerous body in the Chamber censured every measure of the government, and resisted every project of its ministers; and the session closed, having rather added to, than diminished, the excitement and dissatisfaction which, for some time, had been growing up in the public mind.

This dissatisfaction had partly arisen from the great expense incurred in carrying on the war in Batavia, and the ill success with which that war had hitherto been

conducted. In the present year, however, in consequence of reinforcements having arrived from Europe, which enabled the government to act with vigour, the contest assumed a more favourable appearance than it had borne during several preceding campaigns. The troops moved in three columns, and attacked the insurgents at different points. A series of engagements followed, which were not decisive in their character, but which generally terminated in favour of the Dutch, and enabled them to hem their adversaries more closely in. On the 2nd of May an attack was made upon Pengasse, where the rebels had stationed themselves to the number of six or seven hundred men. They waited the approach of the Dutch troops with firmness, and made a vigorous resistance, but gave way and fled, when the Dutch charged with the bayonet. Another body of them was routed, about the same time, near Sepoerang, where they lost two hundred men, with all their horses and arms. The result of these operations was, that Diepo Negoro, the insurgent leader, found himself confined within a narrow district, which supplied scarcely enough of land to raise rice for his followers. He still continued, however, to keep his men together; and, while he prudently avoided any regular action in the open field, he made sudden attacks where they were least expected, and cut off small detachments which might happen to be separated from the main body.

In a former volume* we have given an account of the foolish

quarrel in which the duke of Brunswick had thought fit to involve himself with the king of Hanover, who, as his guardian, had conducted, during his minority, the administration of his states. The duke had complained of various proceedings of the king of Hanover in that capacity; he had complained still more loudly of count Munster, who, as Hanoverian minister, had borne the principal share in these affairs, and had condescended to challenge the count to fight a duel. Above all, he had refused to recognize certain liberal alterations in the political constitution of Brunswick, which had been introduced by his royal guardian. He complained loudly, too, that the Hanoverian government had protected, and still refused to deliver up, a certain privy councillor, Schmidt Phiseldek, with whom the duke had a quarrel, and whom he wished, therefore, to punish. The king of Hanover applied to the Diet to compel the duke to make satisfaction for the insults which he had publicly heaped upon his majesty; and the states of the duchy addressed themselves to the Diet, to be maintained in the possession of that better constitution, and those greater and more useful powers, which they had obtained from the hand of the king of Hanover, the legal representative of their prince. The duke was willing to recognize the states in their old and inefficient form, with all its accompaniments of patrimonial jurisdictions, exemption from taxes, and other franchises of the privileged classes, every one of which had been abolished, when the new constitution was introduced. The states

* Vol. LXIX. p. 288.



refused to except of this ruinous boon, and insisted on the preservation of what had been already so solemnly and beneficially established. They founded their demand on the thirteenth article of the Act of the Confederation, which, as they thought, required, that a formal and actual representation of the people, like that in England and France, should be introduced into all the German states, and which had been already carried into effect, in this sense, in Bavaria, Wurtemberg, Baden, Hesse, and Weimar. It was just because the old constitution, though otherwise good, and one with which the people had been happy under their dukes, was not founded on popular representation, that it had been changed during the duke's minority. The duke would neither satisfy his subjects, nor apologize to the king of Hanover. He maintained that neither his guardian, nor any other power, was entitled to alter or interfere with the constitution of his states, and that he had said and printed of the king of Hanover nothing which his majesty did not deserve. The Courts of Vienna and Berlin interposed their mediation, to prevent the necessity of the Diet pronouncing a formal and public sentence; but the duke would listen to no mediation or remonstrance; and the Diet gave forth a decree, deciding every part of the cause against him. Having set forth the errors of the duke—that he had obstinately refused to listen to reason, or to the wise and benevolent admonitions of friendly courts, and that his whole conduct had made it imperative upon the Federation, if it would not overlook one of the most important purposes

of its constitution, to put an end, promptly and decisively, to these aberrations,—the Germanic body decided as follows:° His serene highness the duke of Brunswick is in fault, and is bound, within a term of four weeks, publicly to withdraw the patent of the 10th May, 1827, and to make an appropriate written apology for his conduct, by the medium of a special envoy. Secondly, in consideration of the peculiar circumstances of the challenge of the Hanoverian Cabinet minister, count Munster, by the Brunswick officer, M. Praun, his serene highness the duke of Brunswick will subject the said M. Praun to the necessary examination, and will cause him to be punished according to the laws of his state. Thirdly, the proposition for the delivery of the privy councillor Schmidt Phiseldek, resting upon the treaty of the 16th of November, 1535, and that of the 8th of January, 1798, is wholly inadmissible. Fourthly, and Fifthly, the complaints of Brunswick against Hanover, on account of the prolongation of the minority in the time of the supposed majority of his serene highness, upon the part of his majesty the king, as regent of the duchy during the minority, and on account of the introduction of the new regulations of the 25th of April, 1820, into the duchy of Brunswick, by his royal Hanoverian majesty's government, as regent during the minority, are both alike inadmissible, there being no legal ground for the interference of the Federation. Sixthly, as his majesty the king of Hanover, in the state paper of the royal

° See Chronicle, p. 127.

Cabinet minister, count Munster, has but exercised the lawful right of self-defence, the demand for a disapproval of that paper, and for recalling the offensive passages supposed to be contained in it, cannot be complied with. Seventhly, as little attention is to be paid to the proposition made upon the part of Brunswick, touching the security of his serene highness the duke ; and touching the supposed illegal passage of royal Hanoverian troops through the ducal jurisdiction of Thedinghausen. Eighthly, as this misunderstanding has been the occasion of several opprobrious publications, the members of the Federation have unanimously resolv-

ed to prohibit, in their respective states, the printing or circulation of all such unofficial controversial writings, without any reference to the number of pages ; and also to take care that in the public journals nothing shall be admitted calculated to excite or to recall a quarrel now disposed of according to the laws of the Germanic Federation.

Such was the finding of the Diet ; but the duke paid no respect to its authority. He did not withdraw his offensive notification ; he sent no special envoy to apologize to his Hanoverian Majesty, he took no steps to prosecute and punish M. Praun.

CHAP. XI.

RUSSIA.—Opening of the Campaign between Russia and Turkey—The Russian Fleet takes Sizeboli—The Turks are defeated in an attempt to retake it—The Russian Army, under General Diebitsch, crosses the Danube, and marches against Silistria—Skirmishes as it advances—The Russians invest Silistria—The Grand Vizier moves from Shumla to attack General Roth—Battle of Eski-Arnautlar—The Russians retire, and the Grand Vizier besieges Pravadi—Count Diebitsch marches from Silistria with part of the besieging Army to support General Roth, and relieve Pravadi—He joins General Roth, and they occupy the Defiles in the rear of the Vizier, without his being aware of it—Battle of Kulertscha—The Vizier forces open the Road to Shumla, and takes up a new position—The Russians renew the attack, and the Turks take to Flight—The Vizier regains Shumla—The Russians offer to open Negotiations—Silistria surrenders, and the besieging Army joins Count Diebitsch before Shumla—The Russians prepare to cross the Balkan, leaving a Corps to watch Shumla—They effect the Passage of the Kamtschick, and reach the summit of the Mountain, before the Vizier is aware of their Movements—They descend the Southern Side of the Balkan—They take Mesembri, Bourgas, and Aidos, defeating, at the latter, a large body of Turks—They take Karnabut and Sambol, and push their advanced Guards towards Adrianople—The Vizier leaves Shumla by a circuitous route, and reaches Selimno on the Road to Adrianople—The Russians attack the Turks at Selimno, defeat them, and carry the Town—They advance to Adrianople, which capitulates, the Turkish Garrison dispersing—The Fleet takes Vasilico, Agathopolis, and Ainada on the Euxine, and a detachment of the Army occupies Enos on the Mediterranean—Opening of the Campaign in ASIA—The Turks form the Siege of Akhalzik, but are compelled by the Russians to raise it—The Pacha of Trebizond is driven from his Camp—Count Paskewitsch succeeds in crossing the Mountains, to advance on Erzeroum, and defeats the Turks in two separate Actions—Erzeroum surrenders to the Russians—Return of the English and French Ambassadors to Constantinople—The Sultan refuses to accept their Mediation on the terms proposed regarding Greece—State of the Capital as the Russians advance—Commissioners sent to Adrianople to treat—A suspension of Hostilities takes place—Peace is concluded between Russia and Turkey—Terms of the Treaty.—**PERSIA.**—Massacre of the Russian Ambassador and his Suite at Tehran.—**GREECE.**—Progress of the Greek Army in Western Greece; they take Vonizza, Carvassara, Lepanto, Anatolico, Missolonghi—Protocol of the three Powers regarding

the Boundaries and Settlement of Greece—They request from the Greek Government a suspension of Hostilities, which is refused—Dissensions among the Military—General Church resigns the Command of the Army—Meeting and Proceedings of the National Assembly—Negotiations at Constantinople for the Settlement of Greece—The Sultan, in the Russian Treaty, accedes to the Protocol of the Allies—Conferences at London to carry the Protocol into effect—The three Powers resolve that the Sovereignty reserved to Turkey, by the Protocol and the Russian Treaty, shall be abolished—They fix the Limits of the new Greek State.

THE campaign of last year, between the Russians and the Turks, had been honourable both to the conduct and the valour of the Ottomans. They had made good a resistance which Europe had not expected from them; Russia had been compelled to close the campaign, after suffering most grievous losses, by hurrying back her armies to the north bank of the Danube, retaining possession of no place of importance on the Turkish side, except Varna and Pravadi. She opened the campaign of the present year with greater caution; intending, before she should venture her troops deep into the interior, to reduce the strong fortress of Silistria, on the right bank of the Danube, which had defeated and disgraced her arms in the previous campaign. To the bad success, too, of that campaign was probably to be ascribed the change which took place in the command of the invading army. Count Wittgenstein, who had gathered no laurels by his operations, was graciously allowed by the emperor to retire from his burthensome post; and general count Diebitsch was placed at the head of the Russian troops. Every exertion had been made, during the winter, to repair the losses of last year, and to secure

victory, so far as it could be secured by numbers and equipment.

The first operations of the campaign were performed by the fleet, and took place on the coast of the Euxine. In the end of March, a detachment of the Russian fleet, under admiral Kumany, having taken on board a large body of troops, made a descent on Sizeboli, a Turkish sea-port, situated at the eastern extremity of the gulph of Bourgas, the possession of which increased the means of keeping up with any army, which might march into the interior, those communications on which the safety of such an army would necessarily depend. The place was neither strongly fortified nor garrisoned; the descent was unexpected; and the enterprise succeeded. The Russians made themselves masters of the town, and proceeded to strengthen it by additional works, before the Turks from Bourgas could march to its assistance. Hussein Pacha, however, having collected in the neighbourhood of the latter place about 5000 infantry, and 1500 cavalry, attempted to re-take it. On the 9th of April, he attacked an intrenched hill in the immediate vicinity. The assault was acknowledged by the Russians themselves to be dreadful. Though the guns of their batteries were pouring cannister

shot among the assailants, and were supported by a heavy fire of musketry and grenades, some of the Turks climbed the breastwork and entered the trenches. Their main body had made their way to the gate of the trench, when the Russians, who had formed within the place, sallied at different points, and the Turks, attacked on every side, besides being exposed to the fire of the works, were compelled to give way, and fall back upon Bourgas. Alarmed at this new establishment of the enemy on the shores of the Black Sea, the Sultan ordered his fleet, consisting of twenty-one sail, to proceed into that sea from the Bosphorus, with the intention, it may be presumed, of fighting the Russian squadron. It entered the Black Sea on the 20th of May, the Sultan himself accompanying it as far as the last port in the Bosphorus. Shortly afterwards it fell in with four Russian frigates and a brig. A brief action ensued, which ended in one of the frigates being taken, the other three, and the brig, making their escape. The Turks, instead of assuming courage from this first success, put about so soon as they learned that the Russian fleet had sailed to meet them, and returned with their prize in great triumph to Constantinople, only a few days after they had quitted it.

In the mean time, the divisions, composing the principal Russian army, had broken up from their cantonments in the middle of April, and, crossing the Danube at different points, were collected in their camp at Czernowody, in the beginning of May. Preparations were immediately made for undertaking the siege of Silis-

tria; general Diebitsch, although in so infirm a state of health that he required to be borne about in a litter, having hastened forward his head quarters to direct the operations in person. On the 13th of May, he advanced towards Silistria, at the head of twenty-one battalions, sixteen squadrons of cavalry, and some regiments of Cossacks. The advance was slow and difficult, owing to the badness of the ways along which the troops were compelled to march, as the great road was under water, in consequence of an inundation of the Danube. By the 17th he had arrived within five versts from Silistria, without encountering any opposition; but, next day, his first division fell in with the enemy, posted along a ridge of rising ground, and in some intrenchments which the Russians had thrown up during the siege of the preceding year. An attack by a regiment of Cossacks upon a mass of Turkish cavalry posted upon the heights, was the signal for a general battle. The Russian infantry charged; the enemy was broken, and, in less than a quarter of an hour, driven from all the works which he occupied on that point. The left column, under general Krassoffsky, met with greater resistance. The general, having given his troops an hour's rest, led them against two strong redoubts, which, though very advantageously situated, were soon taken; and the Turks, driven back at every point, sought refuge within the walls of the fortress. The result of these operations was, that Silistria was completely invested. The works were immediately begun; and, by May 26, the first parallel was completed.

The grand Vizier, Redschi Pacha, was posted at Shumla with an army said to amount to 35,000 men; and to him the governor of Silistria applied for assistance, so soon as it was seen that the investment of that place was as yet the serious and principal object of the invading army. The vizier determined, in the first place, to cut off the communication between the besieging army and the Russian troops, which occupied, under general Roth, Varna and Pravadi, and which, moreover, he could not prudently leave behind him in marching to Silistria. General Roth had been for some time concentrating his forces; and a village called Eski-Arnautlar, five versts from Pravadi, was occupied by six battalions, and some Cossacks, with twelve field pieces. That position was attacked early on the 17th of May, by the grand vizier, at the head, according to the Russian account, of 15,000 men. The Russians, though so inferior in numbers, baffled every attempt of the Turks to break through their lines, and strong reinforcements were soon brought to their assistance. On the arrival of these fresh troops, the Turks appeared to make preparations for retiring, and the affair seemed to be at an end; but the Vizier, having likewise been joined by another corps of his army, renewed the attack. With 4000 cavalry he advanced towards the heights, situated between the Russians and Pravadi, with the intention of turning the left flank of general Roth. The latter, to oppose this movement, advanced against the Turkish cavalry, at the head of two regiments, and six pieces of artillery, supported by two battalions of

two other regiments, and four field pieces. In an instant the two regiments were surrounded by the Turkish horse; the whole of the Turkish infantry advanced, supported by the fire of ten pieces of artillery, attacked the square into which the Russians had formed themselves, and would have annihilated great part of it, had not a fresh body of Russians attacked them in front, while one of the regiments, already engaged, took them in flank. The combat was kept up with unexampled fury, till at length, about eight in the evening, the grand Vizier, having been engaged from three in the morning, retired into the valley of Neutsha. The Russians admitted that they lost, in this close and obstinate engagement, 1000 men; they estimated that of the enemy at 2000. The Turks, on the other hand, stated the loss of the Russians at 3000 men, and claimed the victory. General Roth, instead of advancing after the battle, fell back; and the Vizier immediately formed the siege of Pravadi. More important than any immediate results of the conflict was the fact, that, for seventeen hours, the Turkish infantry had sustained an obstinate and bloody combat with regular Russian troops.

General Diebitsch, at all events, felt, that the results of this action rendered his position under the walls of Silistria unsafe, and general Roth was now confessedly too weak to prevent the Vizier from advancing. Having learned, therefore, on the 4th of June, that the Vizier, for ten days, had been investing Pravadi, he marched from Silistria on the 5th, with the corps of count Pahlen, to reinforce Roth

and relieve Pravadi, leaving general Krassoffski to continue the siege of Silistria. The march was difficult and toilsome, from the nature of the country and the state of the roads; but the Russian general conducted his operations with so much caution and skill, and the Turks displayed so much carelessness or inexperience, that Diebitsch effected his junction with Roth on the 10th of June, in front and towards the left of the grand Vizier, without the latter being aware of his approach. At the same time he rapidly occupied the direct road from Pravadi to Shumla, thus cutting off the retreat of the Vizier, who was not even aware of the vicinity of the Russian troops, till they were in possession of all the defiles on his left and in his rear. He was, therefore, now in a position, in which his defeat would leave Shumla defenceless; for the only roads, by which a defeated army could retire upon it, were in possession of the enemy.

The grand Vizier, imagining at first that his communications were merely threatened by a body of general Roth's army, instead of being already actually cut off by the whole force of count Diebitsch, broke up from Pravadi for the defiles of Kulertscha, hoping to destroy this corps. While he was doing so, count Diebitsch, on the morning of the 11th of June, with a view to pass still farther to the rear of the Turkish army, made a reconnoissance with 10,000 men, and some artillery, in the direction of Marasch; an operation which, if it had succeeded, would have completely cut off the grand Vizier from all access to Shumla. The latter, seeing the importance

of this movement, and still believing that he had only a detachment to deal with, sent forward a body of 3000 men to attack it; but, as the Russian columns came up one after another, he learned the truth of his critical situation. There seemed, however, surprised as he certainly was, to be no hesitation in his measures, and no confusion among his men. He brought forward his whole army; they were formed in regular squares of infantry, and well disposed columns of cavalry, supported by artillery. The numbers on both sides were nearly equal, and an obstinate and sanguinary conflict ensued. At the very beginning, count Diebitsch found himself obliged to bring up his reserve, and throw it into the hottest of the fire. By this movement he gained some superiority; but, so far from having made any important impression on the Turkish army, the grand Vizier, after a murderous combat of four hours, disappointed the operation of the morning, forced open the road to Shumla by Marasch, and retired a short distance to an advantageous position covered by a wood. The Russian commander, instead of disturbing him in that movement, took advantage of this interval of repose to substitute fresh troops for those which had been principally engaged, and to form a new reserve. Having completed these arrangements, he immediately renewed the attack. The first discharge of his artillery blew up some of the Turkish ammunition waggons, and this circumstance hastened a retreat on which the Vizier had already determined. As the Russian columns came on in quick time, the Turks, after one

general discharge of their artillery, took to flight in the direction of Marasch, leaving behind them fifty-six cannon, with all their baggage and ammunition. What they abandoned favoured their retreat; for the road lay through a forest, and the baggage and ammunition waggons, which blocked it up to such an extent as to render it necessary to employ a detachment of infantry to remove them, impeded, or rather prevented, immediate pursuit. The Russians stated the loss of the Turks at 2000 men killed, and 1500 prisoners. They admitted that the battle was sanguinary, and the fire of the enemy well directed, and that their own loss amounted to upwards of 2,200 privates killed and wounded, besides sixty-one staff and superior officers. During the two following days; different divisions of the Russian army were employed in the pursuit, but they did not advance far, and effected nothing beyond dispersing some scattered bodies of troops with which they fell in, and carrying some redoubts which the Turks had not only found means to throw up on their retreat, but which they defended with great obstinacy. The grand Vizier got into Shumla, and thus the most important object of count Diebitsch's very brilliant manœuvre was not gained. It was unpardonable in the Turkish commander to have suffered himself to be turned, and to have even allowed the enemy to occupy the direct road to Shumla behind him; but, having been taken in the rear, surprised, and almost surrounded, to have escaped utter annihilation showed great firmness and bravery in the men, and skill in the commander.

The first step taken by count Diebitsch after the battle of Kulertscha, was to offer negotiations for peace. On the 14th of June he despatched M. Fonton, councillor of state, with a flag, and a letter addressed to the Vizier, stating, that, under the instructions of his imperial master, he was desirous to use his victory as a means of terminating the war by negotiation, and that the bearer of the letter was authorized to enter into such explanations as the Vizier might require. To the Russian commander's assumption of victory the Vizier answered, in the true spirit of Ottoman theology and philosophy, "as victory and defeat are at all times events which depend on the Divine will, it is beyond the power of man to change what Providence has willed; and in the battles which took place, first at Dewno, and afterwards on the return from Pravadi, and at the defile of Kulertscha, the result of the engagement, and the victory, is manifest to the eyes of both parties; and as the loss, which was afterwards caused by the explosion of the powder-waggon, can be ascribed only to an accident brought about by the will of Heaven, it is entirely conformable to the order of things, and to the decrees of Providence, to be prepared at one time for victory, at another for defeat." He expressed his anxiety to see peace concluded on terms advantageous to both empires, but added, that as he had long been commander-in-chief and governor of Rumelia, and was wholly occupied in that country with military affairs, he was not acquainted with the state of things; and it would therefore be good to send

M. Fonton thither, or to fix a day on which he might confer with Turkish commissioners.

Count Diebitsch now took up a position which enabled him to observe Shumla, although he did not regularly invest it, or make any preparations for a siege: he was waiting till the fall of Silistria should enable him either to advance, or undertake the reduction of Shumla. The operations against Silistria had, in the meantime, been proceeding with great effect; though the garrison, consisting of 8000 men, made a more obstinate resistance than had been anticipated. By the middle of June, the batteries of the third parallel had been mounted, and their fire was so effective against the artillery of the fortress, that the garrison could reply to it only by musketry. More batteries were erected, and the mining operations were commenced. Early in the morning of the 30th of June, a mine was sprung, the effect of which was, to open a practicable breach in the body of the fortress, and two other mines were ready to be sprung. The Pacha, now considering the place to be no longer defensible, and having lost all hope of being relieved by any operations of the Vizier, proposed a capitulation. The Russians refused the terms which he demanded, and, while they were explaining to him the only terms on which it would be granted, the fire from the works of the besiegers was kept up, and preparations were made for mounting the breach. These demonstrations produced the Pacha's acceptance of the conditions which were offered; he and his garrison surrendered themselves prisoners of war, with

their arms and baggage, and the flotilla on the Danube. The siege had lasted only about six weeks, and had cost the conquerors above 1200 men in killed and wounded.

The surrender of Silistria having set at liberty the besieging army, count Diebitsch, instead of undertaking the doubtful enterprise of reducing Shumla, thought himself strong enough to leave before it a force sufficient to prevent any danger from its garrison, while he himself, with the main body of the army, should pass the Balkan, and descend into the plains of Adrianople on the road to the capital. Accordingly, general Krassoffsky was ordered, with the greater part of the besieging corps, immediately to join the army assembled before Shumla. The time employed, however, in taking possession of Silistria occupied some days, so that the last division of his troops did not join the main army till the 15th of July. The movements, preparatory to passing the mountain, had already begun. The troops were to advance in two columns. The right, consisting of 14 battalions, and two regiments of cossacks, under general Rudiger, took the direction of Kiuprikioi. The left, consisting of 18 battalions, 16 squadrons, and two regiments of cossacks, had orders to force the passage over the Kamtschik. Besides this, a reserve of 22 battalions, eight squadrons, and two regiments of cossacks, under count Pahlen, was to follow the columns at a short distance, in order to support either of them, if necessary. General Krassoffsky, with 23 battalions, 40 squadrons, and four regiments of cossacks, remained near Shumla, to observe the grand

Vizier and cover the line of operations of the troops that were to cross the Balkan.

The attention of the Vizier had been exclusively directed to the defence of Shumla, which he supposed to be seriously threatened, and he had consequently left the lower Kamtschik bare of troops. As the Turks thus favoured the Russian design, it was necessary to keep them in error as long as possible. With this view the march of the troops from the camp before Shumla always took place in the night, in profound silence, and not till the troops from Silistria supplied the vacancy. In this manner, in the night of the 13th, the place of general Roth's corps was supplied by the first division of general Krassoffsky's corps; and the place of general Rudiger was occupied, in the night of the 15th, by the second division. The reserve of count Pahlen did not leave the camp before Shumla, till the night of the 17th. The Vizier offered no interruption to these movements before Shumla, but contented himself with sending out, on the 18th, in the morning, 1000 cavalry, who cautiously stationed themselves in sight of the out-posts of the cossacks.

Meantime the columns of generals Roth and Rudiger had proceeded towards the Kamtschik. This river, which is not a broad, but a rapid stream, with few fords, and those dangerous, was the first obstacle to be overcome to reach the Balkan. The Turks had thrown up intrenchments, provided with artillery, at every accessible point.

General Rudiger, as he approached Kiuprikioi, where he was to cross, learned that the

enemy had there a body of 3000 men, which could not be attacked in front without great loss. He therefore sent two battalions and a regiment of cossacks directly towards Kiuprikioi to engage the Turks in front, while he himself, with his main force, resolved to turn their position, and pass the river to Cralamaly, five or six versts lower down. On the 17th, he appeared before Cralamaly, where he surprised a corps of about 1000 Turks, who dispersed at his approach, leaving their camp and three pair of colours. During the night he constructed a bridge, and crossed the river, and, on the 18th, marched against Kiuprikioi. Jussuf, a Pacha of two tails, who commanded in Kiuprikioi, attempted to resist, and drew up his men in order of battle on an eminence near the village; but, after a mere show of resistance, they fled before a shot had been fired, or a man had fallen. While the right had thus made good the passage, the left, under general Roth, had crossed the river in a similar manner on the night of the 19th, by throwing bridges across below the fortified points, and thus turning and dispersing the Turks stationed on the opposite bank. On the 20th, he pushed his advanced guard to Palisbano; on the 21st, general Rudiger reached Erketsh,—both of them situated on the ridge of the Balkan: and the gates of that mountain bulwark of the Ottoman empire were at last passed by an European invader.

On the 21st of July, the Russian army began to descend the southern declivity, and encountered no serious resistance. Count Diebitsch, by the rapidity of his

movements, gave the enemy no time to recover from the panic, with which his passage of their natural rampart seemed to have struck them. At various points small detached bodies presented themselves; but they either withdrew so soon as the Russians appeared, or, after a short conflict, were dispersed. On the 22nd, the army reached Mesembri, which immediately capitulated; 300 men, who occupied a strong intrenchment, having thrown down their arms, and surrendered at discretion. On the 24th, general Roth's advanced guard made the more important capture of Bourgas. Its garrison marched out to meet him, but, being routed, the Russians entered the place along with the fugitives, while the Turks continued their flight in disorder through the opposite gate.

The passage of the Balkan had been so successfully concealed from the Vizier, that it was not till the 21st of July, four days after the march of the Russians from before Shumla, that he detached a considerable corps to reinforce the post of Kiuprikioi, for the purpose of opposing the passage of the Kamtschik, two days after that passage had actually been effected. These troops marched from Shumla under the command of Ibrahim, a Pacha of three tails, and Mehemed, a Pacha of two tails, who had recently arrived from Constantinople to take the command of the regular troops of the Turkish army. When they arrived on the Kamtschik, they learned that the Russians had already taken and occupied the intrenchments on that river. Upon this, they directed their march on

Chengi and the village of Chuluko, where they remained, uncertain what resolution to take. However, having learned the occupation of Bourgas, they directed their march towards Aidos, where they arrived on the 24th of July.

On the 25th, general Rudiger was directed to march upon Aidos, and take a position within four or five versts of that place, till the troops should be concentrated. General Roth was to advance by a forced march, and establish himself in a double line behind the troops of general Rudiger. The corps of count Pahlen was to march upon Rumely-Kioi and Aidos, to within a distance of about four versts of the latter place. The Pachas thought the moment favourable to the execution of their plan. They resolved to attack the advance of the invading army, before it could be supported by the troops which were coming up. The Turkish cavalry, and a division of infantry, made a *sortie* from Aidos, and attacked Rudiger's cossacks, who retired on the position. Gen. Rudiger assailed the Turks in front, and detached, at the same time, a brigade of hulans who took them in flank. In an instant, the Turkish advanced guard was overthrown, and obliged to retreat in disorder to Aidos. The Russians pursued the enemy, and, on arriving in front of the place, found a corps of Turkish infantry, from 6000 to 7000 men strong, posted in the rear, and on the flank of the town. These were immediately attacked, and at first defended themselves obstinately; but, being forced back within their works, and into the narrow streets of Aidos, they were on all sides beaten in detail, and put to the

sword. The regiments stationed behind Aidos dispersed, and fled along the footpaths leading to the Balkan, and in the direction of Karnabat. Count Diebitsch fixed his head-quarters in Aidos on the 26th of July; having thus, in a course of uninterrupted success, conquered the difficulties of the mountain defiles.

From Aidos as a centre, the Russian general commenced a new series of operations, sweeping, within a few days, with the different corps of his army, an arch approaching to a semicircle, the northern point of which rested on Shumla, and the southern on Adrianople. On the 26th of July, the seventh Russian corps had taken possession of Karnabat, a valuable central point among the mountains, nearly west of Aidos, and about one third of the way between the latter post, and Selimno. At the same time, count Pahlen, with another corps, had been directed to occupy Karabanar, forty miles south of Aidos, and to push his advanced guard a day's march farther south to Faki, thus reconnoitring towards Adrianople. These orders were executed, without any serious resistance on the part of the Turks. Next, with a view to cut off the communications of the Vizier in Shumla with Adrianople, and to establish himself on an inner line of posts in a direction nearly parallel to the Danube, but in the nature of a third parallel towards Constantinople, count Diebitsch combined a double movement, one immediately against the rear of Shumla, the other against the town of Selimno and the great road leading south from it, by Jambol, to

Adrianople. General Krassoffsky executed the former of these operations, by forcing his way from Marasch through Eski-Stamboul, and to the westward of it, thereby blocking up the central road which runs to Adrianople, by Karnabat. The Vizier attempted to interrupt the operation, by attacking Krassoffsky, in the vicinity of Marasch; but, after some hard fighting, he was compelled to fall back upon Shumla, having lost about 500 men. In pursuance of the second project, general Sheremetief, of the 7th corps, proceeded from Karnabat about the 29th of July, towards Jambol. On the road thither, with one brigade of hulans and some cossacks, he fell in with a corps of no less than 15,000 of the enemy, commanded by Halil Pacha. Notwithstanding the disproportion of numbers, the Russian cavalry attacked and overthrew the Pacha's army, drove them into the town of Jambol, and burnt the Turkish camp. The extreme distrust of themselves, and broken spirits of the Ottomans, were manifested by a shameful flight from Jambol, under the apprehension that 100 Cossacks, whom general Sheremetief left before the town, as a corps of observation, when he retired to join his head-quarters at Karnabat, were but the advanced guard of the whole Russian army, which was the next day destined to attack them. The Vizier,—seeing that his continued occupation of Shumla, did not impede the triumphant progress of the enemy, that he could not hope to make any impression on the force commanded by general Krassoffsky who watched him, since that force

was now in communication with the main army, and fearing that it would soon be impossible for him to find his way out of the fortress, to any point not occupied by Russian troops,—left it, in the beginning of August, with the intention of marching to Sliono, or Selimno, a town standing at the foot of the circuit of hills, which form the last heights of the Balkan. He had to take a circuitous route from Shumla, by the western road, for no other was now open. Count Diebitsch, having received intelligence of this movement, resolved not to prevent the Vizier from arriving at Selimno, but prepared to attack him when he should have reached it. Having received a reinforcement of 12,000 men, which had been brought by water to Sizeboli, he was enabled, without withdrawing the garrisons of any of the places which he had occupied, to form an army of nearly 30,000 men, with which, on the 9th of August, he marched to Dragodanova, about fifteen versts distant from Selimno. He gave his troops a day's repose, in order not to prevent the junction of the Vizier with the forces collected in the town, where the Vizier's son had already arrived with the van-guard. The Turkish forces, having joined, took up a position in front of the town, and there the Russians attacked them on the 12th. The contest was neither long nor doubtful. Almost on the first attack, the Turks abandoned their fortifications, as well as the town, and fled in all directions. The work of the Russians was easy; for, according to their own account, the "terror of the enemy" was so great, that he had not the

courage to make any considerable "stand." The trophies of the day consisted in nine pieces of cannon, and 300 prisoners, together with large supplies of ammunition and provisions which were found in the town.

After enjoying a day's repose, the army again advanced through a country which was difficult in itself, but in which there was no enemy to oppose its progress. On the 19th of August it arrived in sight of Adrianople, the second city of the empire, containing a population of 80,000 inhabitants, of whom about one half were Mussulmen. The troops, collected for its defence, consisted of ten thousand regular infantry, besides cavalry, and some thousands of men hastily assembled from the neighbouring country. The ground was intersected by deep ditches and gardens, well calculated for an obstinate resistance. The position of the batteries was well chosen, but some of them were incomplete; for the Turks had not anticipated so rapid an advance of the invading army into the interior. Surprise seemed to have disabled them; for, though three great roads were still open for their retreat, they made no preparations for withdrawing, and shewed no disposition to fight. The Russian troops had scarcely taken up their positions, when deputies arrived from the Pachas in the city to propose a capitulation. They were informed, that they must deliver up their arms, artillery, standards, provisions, and ammunition, every thing, in short, belonging to the Ottoman government; that, on those conditions, the Pachas and their troops

would be allowed to return to their homes, provided they did not take the road to Constantinople. The irregular troops, and the inhabitants, were also required to lay down their arms, to remain in Adrianople, and continue to follow their trade, and all lawful and pacific business, under the protection of the laws, and the existing courts of justice. They were warned, that, unless these terms were accepted by nine o'clock next morning, the city would be stormed. Before that hour on the 20th had arrived, the Turkish commissioners returned, and endeavoured to procure more favourable conditions. The answer was an order for the columns of attack to advance. The Turks immediately yielded, and the Russian army, without firing a shot, was put in possession of Adrianople. On the same day, a division of the army occupied Kirk-Kilissa, a considerable town to the north-east of Adrianople, between the latter city and the Euxine, and pushed on its vanguard as far as Lulle-Bourgaz, on the road to Constantinople.

The success of the Russian fleet had kept pace with that of the army. The ports of the Euxine fell one after another; admiral Greig having, in the course of a few days, made himself master of Vasiliko, Agathopolis or Agtepoli, and Ainada. To the south, general Diebitsch extended his operations even to the Mediterranean. From Adrianople he directed a body of men against Enos, situated at the mouth of the gulf of the same name, taking possession, at the same time, of the intervening ports of Demotico and Ipsala. Enos, though more than fifty can-

non were mounted on its walls, surrendered, so soon as preparations were made for an attack. Thus the victorious Russians were established in the very heart of the finest of the Turkish European provinces; one armed band resting on the Euxine, and the other, on the shores of the Mediterranean: and in each of these seas was a Russian fleet, with which they could constantly communicate. Before them lay Constantinople, at the distance of only a few easy marches; between them and the capital there was no army which they could dread; the population of the country, through which they had hitherto marched, and which contained numerous adherents of the Greek church, had evinced no disposition to oppose their progress by popular movements; and submission alone could now yield the Sultan any hope of saving even the fragments of his European empire.

While fortune was thus declaring against the Turks in the Western portion of their empire, disasters were accumulating with scarcely less rapidity in the North-eastern portion of their Asiatic territories. In the latter, however, the offensive operations with which the campaign opened were their own. In the beginning of March, they attempted, before the main body of the army of count Paskewitch could arrive to its assistance, to recover Akhalzik, which had been taken from them in the preceding year. A Turkish corps of 20,000 men established themselves in the suburbs, made an assault, and carried the first wall of the town; but, being ultimately repulsed, they sat down to block-

ade it. Paskewitch immediately marched a strong detachment of his troops to the relief of the place. A portion of the besieging army disputed with them, for several days, the passage of the Koura, but at last it was effected by the Russians, after a silent night march, crossing the river above the point occupied by the enemy, and thus turning his position. The Turks immediately raised the siege, and retired, leaving behind them part of their artillery and military stores. About the same time, the Pacha of Trebizond, who had established himself, at the head of 8,000 men, in a strong camp near the Euxine, waiting till the arrival of reinforcements should enable him to commence offensive operations to disappoint the threatened designs of the Russians against Erzeroum, was attacked in his position by general Hesse, and, after an obstinate resistance, was driven from his intrenchments, with the loss of 1000 men.

Count Paskewitch then proceeded to collect his forces, and make the necessary preparations for advancing, through a difficult country, against Erzeroum, the capital of Anatolia. In his way lay the mountain of Saganta, and on its steep and wooded summits, the Turks, under Hagki Pacha, resolved to await him. He deceived them, however, by a skilful manœuvre, and, on the 26th of June, passed the mountain without opposition, while the attention of the Turks was occupied with a feigned attack on their camp by his left wing. He was now in a situation to attack the camp itself, when he learned that the Seraskier, having been informed of

the passage of the mountain, was approaching to support the Pacha. The Russian commander resolved to fight him before he could reach the camp; and, having taken a position which rendered it impossible for Hagki to send assistance to the Seraskier, he attacked the latter on the 30th of June, and completely defeated him. Having accomplished this part of his task, he made a forced march to assault the intrenched camp of the Pacha before the dispersed troops of the Seraskier could rally. He appeared before it on the 2nd of July, stormed the intrenchments, and put the Turks to flight, leaving Hagki himself a prisoner in his hands. In these two actions they lost 1,500 prisoners, with the greater part of their artillery, ammunition, and provisions.

That he might profit by the confusion and alarm which these defeats produced, the Russian commander, at the head of his whole army, pushed on to Erzeroum with all possible rapidity. As he advanced, the Turks abandoned to their fate the different posts which intervened; and in this way he occupied, on the 5th of July, the strong fortress of Hassan Kale, the key of the capital. Being now in the immediate vicinity of Erzeroum, he sent in one of his prisoners, an officer of distinction, bearing a proclamation, in which he pressed upon the inhabitants the hopelessness of resistance, and promised to them, on the other hand, if they gave up the city, freedom of religious worship, and the safety of their persons and property. Some of the principal inhabitants and of the civic authorities were desirous that these terms should

be complied with; but the more clamorous and cowardly part of the population called aloud for resistance, in which they were supported by the Seraskier, who expected reinforcements. The Russian columns advanced to the assault; they drove the enemy from the fortified heights which he had occupied outside of the town, and from thence opened a fire of artillery upon the place. This operation produced instant submission; the capital of Anatolia was given up, with 150 cannon, and large magazines of ammunition and provisions. The Seraskier himself, and four of his principal Pachas, were made prisoners.

Being in possession of Erzeroum, count Paskewitsch directed his next movements towards Trebizond. On the 19th of July, a detachment of the army took possession of Beiburt, or Baiburdi, a large fortified town on the road to Trebizond, 120 versts in advance of Erzeroum. The Turkish garrison abandoned it on the approach of the Russians. The Pacha of Trebizond, however, having collected his forces to drive them back from this advanced position, general Bursow, who commanded in Beiburt, marched to meet him, and attacked him, on the 30th of July, near the village of Chart. The Russians, being greatly inferior in numbers, were repulsed, with the loss of their commander. Count Paskewitsch, on learning this partial reverse, brought up the main body of his army, with which he attacked the Turkish camp on the 8th of August. A series of severe engagements took place on that and the following day, which ter-

minated in the Russians entering Chart, and carrying the intrenched camp of the enemy, who fell back in confusion upon Trebizond.

Experience was thus teaching the Turkish government, in every direction, that it was involved in a struggle, in which continued resistance would only render ultimate ruin more inevitable and decisive; but it obstinately refused to listen to any proposals of accommodation, or to comply with what was necessary to obtain the interposition of its allies. The ambassadors of Great Britain and of France had returned to Constantinople in the month of June, to renew the negotiations regarding the settlement of Greece. The only ground, on which these ministers would negotiate, was the Sultan's accession to an arrangement agreed upon among the allied powers in the month of March. Several conferences took place between the ambassadors and the Reis Effendi, in the month of July; but they failed to induce the Turkish minister to accede to the proposed arrangement. To do so, he argued, would be to unfurl the standard of rebellion among all the subjects of the Porte who did not profess Mahometanism: but he stated, at the same time, that his government was willing to take every proper step to re-establish and secure the repose of Greece. He proposed — 1st, that the Porte should grant a full amnesty to the Greeks: 2ndly, that it should examine thoroughly the state of Greece, and introduce such ameliorations as would satisfy all reasonable wishes; 3rdly, that, for a series of years, it would cause

no taxes to be raised by the Greek rajahs. Farther than this it could not go, and from the well-known moderate sentiments of the ambassadors, he did not doubt of such an offer they would duly estimate the value. Upon this, the English minister, Sir R. Gordon, assumed a very serious tone; referred to all the earlier negotiations; and gave the Reis Effendi to understand, that that was not the way to re-establish those friendly relations with Great Britain, which the Porte seemed so highly to value. He prayed him earnestly to take the matter again into consideration, and to put him in a condition to negociate upon a more reasonable basis. The Reis Effendi promised to do so, and to communicate to him the resolutions of the Divan.

The military operations of count Diebitsch proved much more efficient negotiators. So long as he was on the north of Mount Hæmus, and had Shumla still before him, the Ottoman government did not believe that the reverses sustained in the early part of the campaign, could be pregnant with such consequences as ought to shake their obstinacy; but when they learned that the Balkan had been passed, that Shumla, instead of presenting an insurmountable obstacle, had been left behind with a garrison cooped up in it, which could venture on no active operation, that the Russian army was hurrying on from victory to victory, and that no force existed to bar their march to Constantinople, the true situation of their affairs was revealed to them. The capital was in consternation, though the public peace was not interrupted. Firmans were issued; calling the whole population to

arms for the defence of the capital, and the discomfiture of the invaders; but they remained unanswered. The Sultan announced his intention of taking the field in person, and established his headquarters at Ramis-Tchifflick: to that post the sacred standard was carried from the capital with great pomp; he attended it in person, but he rode in a carriage; and this, to the mussulmen, unheard of and indecorous innovation, prevented all the good which he had expected from shewing himself present with his army. These measures of parade produced no means of resistance; count Diebitsch was drawing nearer and nearer; he had at last made himself master of Adrianople, and might be expected, in a few days, under the walls of Constantinople. To this inevitable danger, and the urgent solicitations of the envoys of Great Britain, France, and Prussia, the latter of whom had sent a special agent to Constantinople for the purpose of shewing the Turkish ministers the necessity of peace, their pride and obstinacy at last gave way. Two Turkish plenipotentiaries, with powers to treat, arrived at Adrianople on the 27th of August. At their request, count Diebitsch agreed to a suspension of hostilities along his whole line during the progress of the negotiations. The negotiations were opened at Adrianople on the 1st of September; on the 8th they were interrupted, the Turkish commissioners, who had agreed to all the other demands of Russia, having requested time to consult their government on one particular point of the treaty. Count Diebitsch allowed them five days;

but, at the same time, he caused his van-guard to make some movements in advance. In the consternation, which the idea of an approaching attack produced in the capital, the Porte saw the extreme danger of its situation. The Reis Effendi invited the ambassadors of England and France, and the Prussian ambassador, M. Von Royer, to a conference, to obtain their advice in this extremity. They could do no otherwise than unanimously advise the speedy signature of the peace, as the only means to prevent the overthrow of the empire. The ministers of the Porte themselves recognized the necessity, and ardently wished that one of the three ambassadors would repair to the Russian head-quarters, and testify the readiness of the Porte to accede to any conditions of peace, and only to prevent, in the meantime, the advance of the victorious army to the capital. The ambassadors declined this, because they were not authorized to act as mediators; but, the Turkish ministers, seconded by the ambassadors of England and France, urging the Prussian ambassador to undertake this mission, M. Von Royer proceeded to Adrianople, and, on his assurances, that the Turkish plenipotentiaries would give up their objections, and conclude the peace, count Diebitsch again suspended the movements of his army. The treaty accordingly was definitively signed on the 14th of September.

By this treaty Russia restored to the Porte, the principalities of Moldavia and Wallachia, Bulgaria and Rumelia, with all the fortresses which she had occupied during the war. The Pruth was

to continue to be the boundary between the two empires, from where it touches the territory of Moldavia to its junction with the Danube. From the latter point, to the mouth of St. George, the right bank of the Danube was to be the boundary; all the islands formed by the different branches of the river being declared to belong to Russia. In Asia, the captured Pachalicks of Kars, Bayazid, and Erzeroum, with part of that of Akhalzik, were restored to Turkey; but a new frontier line was fixed in that direction, which left to Russia the town and fortress of Akhalzik, with the rest of the Pachalick of that name. It was stipulated that Wallachia and Moldavia should be confirmed in all the rights and privileges secured to them by antecedent treaties, and that the Porte, within a month, should carry into execution the provisions of the convention of Ackerman in behalf of the Serbians. The liberty of commerce throughout the whole extent of the Turkish empire was secured to Russian subjects, and Turkey agreed to pay, within eighteen months, 1,500,000 ducats of Holland, as an indemnity to Russian merchants for losses which they might have sustained in the course of this, or any preceding war. This liberty of commerce was declared not to be liable to be checked in any case, or under any pretence, by prohibitions or restrictions, nor by any regulation or measure, whether of administration or legislation. Russian subjects were to live under the exclusive jurisdiction and police of the ministers and consuls of Russia. Russian vessels were not to be subject to any visit on board, on the part of

the Ottoman authorities, either out at sea or in any of the ports or roadsteads belonging to the dominions of the Sublime Porte. The Porte declared the passage of the canal of Constantinople, and the strait of the Dardanelles free to Russian ships under merchant flags, laden or in ballast, whether coming from the Black Sea to the Mediterranean, or returning from the Mediterranean to the Black Sea, of whatever size or tonnage they might be. In the same manner, the Straits were declared free for all the merchant vessels of the powers at peace with the Porte, whether bound to the Russian ports of the Black Sea or returning from them—whether laden or in ballast—upon the same conditions as those stipulated for vessels under the Russian flag. Turkey promised, above all, never in future to stop or detain vessels, passing through the Dardanelles—whether laden or in ballast,—whether Russian or belonging to nations with which the Ottoman empire was not in a state of declared war. And if any of these stipulations should be infringed, and the reclamation of the Russian minister on that subject should not obtain a full and prompt satisfaction, the Porte recognised, before-hand, the right of Russia to consider such an infraction an act of hostility, and immediately to retaliate on the Ottoman empire. Independently of the cession of territory in Asia, secured by the new frontier line, Russia was to receive, as payment of the expenses of the war, a sum of money, the amount of which was to be fixed by a separate convention. She was not to evacuate the terri-

tories of which she had taken possession, till the articles, relative to the European and Asiatic boundaries, and to the privileges of Wallachia, Moldavia, and Servia, “could be considered” as fulfilled; and until the complete evacuation of the territories occupied by the Russian troops, the administration and the order of things, established under the influence of the Court of Russia, was to be maintained, and the Porte was bound not to interfere with them in any manner. In regard to Greece, an article was inserted in the following words, “The Sublime Porte, whilst declaring its entire adhesion to the stipulations of the treaty concluded in London on the 6th July, 1827, between Russia, Great Britain, and France, accedes equally to the act drawn up on the 22nd of March, 1829, by mutual consent, between these same powers, on the basis of the said treaty, and containing the arrangement of detail relative to its definitive execution. Immediately after the exchange of the ratification of the present treaty of peace, the Sublime Porte shall appoint plenipotentiaries to settle with those of the Imperial Court of Russia, and of the Courts of England and France, the execution of the said stipulations and arrangements.”

Except the vague limitation of the time at which the Turkish territory was to be evacuated by the Russian troops, and the absolute exemption from being responsible to Turkish tribunals, secured to Russian subjects, there was not in the treaty much of which Turkey could complain, considering the hopeless prostration to which she had been reduced. The cession of territory in Asia was trifling; and

the treaty bore on the face of it greater marks of moderation, than could have been expected from a conqueror who had the Ottoman empire at his feet. But to the principal treaty were attached two subsidiary acts, or conventions, explanatory of some of its most important provisions, which bore much harder on Turkey, and betrayed a much more grasping and insidious disposition on the part of Russia. The first related to the indemnity to be paid to Russia on account of the expenses of the war, and as compensation for losses sustained by Russian merchants. The latter had been already fixed in the treaty at 1,500,000 ducats; the former was now fixed at the exorbitant sum of 10,000,000 of ducats, upwards of five millions sterling. They were to be paid in instalments, the greater sum in ten equal annual instalments of about half a million each; and the smaller in four instalments of unequal magnitude, increasing as they went on, and at smaller intervals. Upon the payment of the first of this latter class of instalments, Adrianople was to be evacuated; on the second being paid, the Russians were to retreat beyond the Balkan; on the third, beyond the Danube; and when the fourth, and the whole of the other sum of five millions was discharged, they were to quit the Turkish territory altogether. Thus the possession of the principalities was secured to Russia for at least ten years, and the treaty had already provided that, while she remained in possession, the order of things, which she had established during her military occupation, was to remain undisturbed.

By the other supplementary

convention, alterations of great importance, and permanent in their nature, were introduced into the administration of the principalities themselves. The Porte surrendered every thing on the left bank of the Danube,—soil, cities, fortresses,—even to the privilege of permitting so much as an individual Mahometan subject of the Sultan to reside there, or to retain, beyond the term of eighteen months, one foot of land, however fairly and lawfully acquired. The Hospodars were to enjoy their dignities for life, instead of the definite period of seven years. They were to govern within their respective principalities as they and their Divans might think proper, without the shadow of interference from the Porte or any of its officers. They were empowered to keep up establishments of troops independently of the Sultan, though, throughout the document, he was still spoken of as their Sovereign. The Turkish government relinquished all claim to those contributions in kind, which it had hitherto received from the principalities. As an indemnification for this sacrifice, it was to be allowed an annual sum of money, the amount of which was to be afterwards determined, but which, as well as the regular tribute, was not to commence until two years after the total evacuation of the principalities by the Russian troops,—that is, until after ten years, the term provided by the treaty for making the last payment on which the evacuation of the principalities was to depend—which term it was the obvious tendency and seeming purpose of this long suspension of all pecuniary aid from the principalities to the Porte to protract,

and with it the evacuation by the Russian armies. The Turkish government farther bound itself to confirm every administrative measure which the Russians had adopted during their military tenure of these provinces, "provided always, that such decrees do not in any way infringe upon the rights of sovereignty vested in the Porte!"—after every prerogative of sovereignty in the Sultan had been formally taken from him. The article, which gave Russians in Turkey an absolute exemption, in every case, and in all respects, from the Turkish authorities, was in itself a direct attack upon the Sultan's sovereignty, even within his own acknowledged dominions, to which no prince could have been brought to submit but by the most pitiable necessity. The only sovereignty that existed as to them, was that of their own minister and consuls. They might behave with insolence and turbulence to the Turkish authorities; they might set the daily example of disobedience to the native magistrates; they might be encouraged or directed, for political purposes, to foment discontent and defy the law; and yet Turkey was to have no means of dealing with the offenders, except through the medium of persons who would always be their partial friends, and might very possibly be their counsellors and accomplices in guilt.

Besides this heavy war, which Russia brought to so fortunate a conclusion, circumstances seemed at one time to threaten her with another Persian war. Towards the end of the preceding year, M. Grybydoff had arrived in Tehran, as ambassador of Russia, to carry into effect some articles

of the treaty between Russia and Persia, respecting the Armenian and Georgian subjects of the former, who, he demanded, should return to their country. He seems to have conducted himself with harshness and haughtiness; to have been fond of acting as the representative of a victor who had dictated the peace, and whose subjects were to be uncontrolled in the country on which it had been imposed. In the course of his journey to Tehran, he collected all the Armenians he could find, without troubling himself to inquire very scrupulously whether they were persons to whom the provisions of the treaty applied. At Casbine he carried his interference so far as to punish a Mahomedan, on the groundless charge that he had been accessory to another person's purchasing an Armenian slave. This so strongly excited the indignation of the people, that the authorities advised him to depart, otherwise they would not be responsible for his personal safety. Arrived at Tehran, he was received with all the honour due to his station; but there, too, his despotic practices soon rendered him unpopular. Among others, he demanded the delivery of two Armenian women, who had formerly been Turkish slaves, and had been brought from Van during the last war between Turkey and Persia. These women did not seek his protection; on the contrary, they wished to remain at Tehran; but he chose to consider them as Armenian subjects, and insisted they should return to their country. The king remonstrated, and even condescended to send the women to the ambassador's residence, under the

charge of one of his eunuchs, in order that they might be questioned as to the fact. The ambassador refused to question them in the presence of the eunuch ; he maltreated the eunuch himself : and, contrary to the king's order, he detained the women all night in his house by force,—where they were most barbarously used by the Russians. They made their escape in the morning, crying loudly through the streets for revenge. The indignation of the populace was roused ; they collected, with threats, round the residence of the ambassador, which was protected by about 100 of the king's guards, and from twenty to thirty cossacks. The cossacks fired upon the populace, and killed six men. This exasperated the mob to the utmost. The bodies of these men were exposed in six different mosques, and the moolahs excited the people to fury, calling upon them to take revenge on the murderers. The mob had now increased to about 30,000, inflamed by a strong religious feeling of the sacrifice of six Mussulmans by the Muscovite infidels ; and they rushed again to the house of the ambassador, vowing death to all whom it contained. The king, in the mean time, hearing of the tumult, ordered out two thousand of the troops, to the rescue of the Russians, and sent his son, Alli Shah to their assistance. The prince, at the risk of his life, succeeded in saving one of the ambassador's secretaries and two cossacks : but M. Grybydoff himself, and all the rest of his suite, to the number of about thirty, were massacred.

The court of Tehran, which had submitted to much provoking and

unjustifiable conduct on the part of the ambassador rather than risk a rupture, and by doing so had provoked the people to take the task of retribution into their own hands, immediately took every step which seemed necessary to appease the dreaded vengeance of its imperious neighbour. They went into mourning for the Russians who had fallen ; the king offered every indemnity which could be required to expiate an offence which he could not control, and in which he and his government had no share. A confidential agent of the crown prince was despatched to general Paskewitsch, that the first bearer of the intelligence might bear likewise the expression of the regret which was felt, and offer every reasonable satisfaction. No less distinguished a messenger than a prince of the blood-royal, a grandson of the Schah, was sent to St. Petersburg to propitiate the emperor, who, expressing himself satisfied with the steps which the Persian government had taken to disconnect itself with the crime, took no farther notice of an occurrence, which, however unjustifiable, had been provoked by the lawless conduct of his own officer, and was the sudden act of an exasperated mob, of which the government could not have been aware, and which it had done all in its power to repress.

The French expedition to Greece during the last year had expelled every armed Turk from the Morea. The French troops were about to march, if not with the knowledge, at least with the connivance of their government, beyond the Isthmus of Corinth, and deliver northern Greece, as they had done the

Peloponnesus, when they were ordered to undertake no farther operations: for it was still undetermined by the allies, whether the new Greek state, which was to be created by their interference, would contain any territory further north than the Morea. If, therefore, the Turkish fortresses in northern Greece were to be reduced, that object was to be effected by the arms of the Greeks themselves. They set about the task with the greater eagerness, that, whatever they should make their own by their own arms, they would have a strong claim for retaining it in any subsequent negotiations with their allied protectors. The army in the west, under general Church, compelled Vonizza, one of the strongest of the Turkish fortresses, to surrender on the 17th of March, after a siege of some duration, in the course of which Turkish forces, greatly superior in number, had been unable to drive the besieging army from its positions. The garrison were allowed to retire to Prevesa. Having garrisoned Vonizza, and received a supply of provisions, the general, by a rapid march, took possession of the heights of Macrin-Osos, surprising a body of three hundred Turks, who were all made prisoners. The Turks immediately abandoned all their posts in the neighbourhood, and retired, to the number of fifteen hundred men, to Carvassara. The Greeks followed them, and took up a position which compelled the enemy, who were without provisions, either to attempt a retreat to Missolonghi, or to surrender. Having learned the good treatment which the garrison of Vonizza had experienced, they

preferred the latter alternative, laid down their arms, and dispersed to return to their respective countries. On the 24th of April, the town and citadel of Lepanto surrendered. The Turkish population was to be conveyed partly to Albania, and partly to Smyrna. A greater success followed. Anatolico, and Missolonghi, the scene of so much devoted bravery in resisting the arms of Ibrahim, gave themselves up to the Greeks by capitulation on the 16th of May; the Turkish families, and the troops, with their arms and baggage, being conveyed to Prevesa. The siege of Prevesa itself was then formed; but its strength, and more numerous garrison, threatened a longer resistance.

While the Greeks were thus preparing to extend their permanent territory by shewing that they were able to conquer it, so long as the Turks were cut off from all reinforcements, the ambassadors of France and England were about to renew, at Constantinople, the attempt to arrange their interests by negotiation. They had quitted the Turkish capital, because the Sultan had refused to accede to their terms; they now returned to try again the very same thing, the rejection of which before had been thought sufficient to justify their departure. After the French expedition had cleared the Morea, the ministers of the three powers at London had come to a determination regarding the territory, which, in the mean time at least, should form the subject of their negotiations on behalf of Greece. At a conference held on the 16th November, 1828, they had resolved upon a declaration, that the allied powers took under

their provisional guarantee the Morea and the Cyclades, without prejudicing the question of the future boundaries of Greece. This protocol was communicated to the Sultan, but no notice of it was given to the President of Greece. The Sultan consented that the negotiations should be renewed; he had never been willing that the ministers should leave Constantinople. The bases of the intended negotiation were finally arranged among the allies at a conference on the 22nd of March in the present year, and were as follows: "1. "The continental boundary line "of the Greek State is to be "drawn from the gulph of Volo "to the gulph of Arta. All "countries south of this line to "be included in the Greek State, "to which the adjacent islands, "comprehending Eubœa and the "Cyclades, are likewise to be "long. 2. An annual tribute of "1,500,000 Turkish piastres to "be paid by this Greek State. "Only a third part to be paid "during the first year, and to be "gradually increased till it reaches "the maximum in the fourth. 3. "Turkish subjects, who may be "forced to depart from the Greek "territory, to be indemnified. 4. "Greece is to remain under the "suzeraintè of the Porte, with "the form of government best "calculated to secure its religious "and commercial liberty. The "government is to approach as "nearly as possible to a monarch- "ical form, and to be hereditary "in the family of a christian "prince, to be chosen for the "first time by the three powers, "in concert with the Porte. He "is not to be a member of the "families reigning in the States

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"which are parties to the treaty
"of July 6."

A copy of this protocol was communicated to the president of Greece by Mr. Dawkins, the British resident accredited to the Greek government, on the 18th of May. The communication was accompanied by a note stating, that, as the President would perceive the determination of the three powers to exact from the Ottoman Porte the maintenance of the armistice announced by the Reis Effendi on the 10th September, 1828, as existing *de facto* on the part of the Turks, he had no doubt but his excellency would justify the expectation of the allied courts "to see immediately "adopted by the Greek govern- "ment measures conformable to "their wishes, either by declaring "a suspension of hostilities on all "points on which the contest is "at present carried on, or by re- "calling its troops within the "limits of the territory placed "under the guarantee of the "three powers by the act of the "16th November, 1828;" which territory, as already stated, included only the Morea and the Cyclades. To this request of the allies Capo d'Istria returned a long answer, containing a great deal of unbusiness-like declamation and unnecessary indignation. He took it up, as if he had been required absolutely to recall the Greek troops within the isthmus of Corinth, abandoning all their conquests in northern Greece. He assured the allies that it was not, and never would be, in the power of the Greek government, "to transport," as he rhetorically expressed it, "into the heart of the Peloponnesus, and the adja-

cent islands, the miserable population of the provinces situated beyond the isthmus of Corinth. These provinces, as well as those of the Peloponnesus and the islands, contracted, in the hour of trial and misfortune, a solemn engagement never to separate their cause. These engagements are confirmed by public acts under a double sanction—the sanction of national congresses, and the still more inviolable sanction of oaths. Can the Greek government, whose only power is founded on these same acts, infringe them by establishing a line of separation between continental Greece and the Peloponnesus, seeing that it is to the immense sacrifices of this country that the Peninsula has more than once owed its salvation? and should the government arbitrarily assume to itself this right, would it have the means of effecting this separation without exposing to new calamities people who are just beginning to regain their habitations, and to hope for that repose which the Morea enjoys from the protection and services of the allied powers? It is not in their power, either by persuasion or force, to obtain such a result.

“The inhabitants of the provinces would answer them, that the third article of the treaty of the 6th of July, and the clause of the demarcation contained in the protocol of the 22nd of March, encourage them to hope, that the justice and magnanimity of the august allies will not abandon them, and that it would be an abandonment without redemption, to constrain them to quit the defensible positions which they now occupy. In the number of the

positions which they have occupied latterly, are Vonizza, Lepanto, Missolonghi, and Anatico. The Mussulmen, who compose the garrisons of these places, being completely left to themselves by their government, and deprived of external resources by the blockade of their coasts, have themselves demanded to return to their own country. This retreat, far from giving occasion to bloodshed and other miseries, has been effected under the safeguard of conventions, which demonstrate the moderate and pacific views of the Greek government, and which deserve the confidence which they inspire in the Mussulmen themselves. The letters, which the commandant of the castle of Romelia and the Pacha of Lepanto addressed to us at the time of the evacuation of these garrisons, furnish an irrefragable proof of this fact. In this state of things, it is not impossible that the feeble garrison of Athens, and of the two or three other places included in the demarcation laid down in the protocol of the 22nd of March, may follow the example of the garrisons of western Greece. By such results the Greek government would have contributed, as far as its feeble means allow, to the success of the negotiations with which, in the names of the three courts, the Plenipotentiaries of England and France, who are going to Constantinople, have been intrusted.” Now in all this the President, for the sake of writing oratory, quite forgot that the Greeks were not called on to “quit the defensible positions which they now occupy,” unless they preferred that course themselves. They had the alternative of doing that, or of sub-

mitting to a simple suspension of hostilities, not giving up a single post, nor withdrawing a single man; and to this latter branch of the alternative the President gave no answer. The three powers had declared in the treaty of 6th July, that, if the belligerents refused to consent to an armistice, they would enforce one upon them *de facto*. The Greeks had accepted the conditions of that treaty with apparent gratitude, for the sword was then at their breast; but now that the three powers had brought them uppermost, and a French army had cleared the Morea, any suspension of hostilities was contrary forsooth to their "oaths," and "the public acts of national congresses." Even if the allies had demanded that the Greeks should abandon their conquests in northern Greece, and retire within the isthmus, it would have been unfair dealing in the Greek government to have refused, so long as they claimed and obtained the benefits of that interposition which had alone enabled them to make these conquests, or to retain the name and attributes of a nation. If the consequences of protection and salvation were unpleasant, they ought to have declined the services of their saviours and protectors. To say to the allies,—“you shall fight and negotiate for us, but you shall do it on our own terms, and shall thereby acquire no right either to bind or direct us; you are to destroy or disable our enemies, and then leave us at liberty to do what we choose,”—betokened neither modesty nor wisdom. In so far, again, as the President stated that the government had not the “power” of effecting in northern Greece what the allies requested,

he first told them, that neither he nor his government were persons to be treated with at all, since they had no control over their ostensible subjects. And, in truth, the very events, which were occurring, proved how incapable what was styled the government was of maintaining subordination. Whether from its general impotence, or from the misconduct of the President, dissatisfaction was widely spread among the military. In some places in the north of the isthmus the troops revolted. Pulo Pedro, a commander of a battalion, surprised Lepanto, expelled the garrison, and dismissed all the officers whom the President had appointed. At Missolonghi the troops fired on his own brother, count Augustin Capo d'Istria, who had lately arrived in Greece, and had been appointed commander in chief of all the provinces to the north of the isthmus. This appointment itself seemed to be one great cause of discontent; the man, who held it, not having brought recommendation, either in temper or talent. General Church, who had commanded in western continental Greece to such good purpose, resigned his commission, from disgust, either at being thus superseded, or at the general debility, selfishness, and divisions of the government. In communicating his resignation to the National Assembly, which was convoked in the end of July, he stated his opinion of that government as frankly as could be expected, considering the persons whom he was addressing. “Had I consulted my feelings only, wounded as they have been on many occasions, I should have taken this step some time ago;

and devotion to the cause of Greece has alone prevented me from so doing. But as soon as, through divine Providence and my brave companions in arms, the operations on the gulf of Arta, the occupation of Macrinoros, and the capitulation of Carvassara had decided the fall of Lepanto and Missolonghi, and the total liberation of western Greece, I repaired to the seat of government, where, on the first opportunity offered to me by his excellency the President, I gave him to understand, that it was not my intention to continue to serve under the actual system. Those, who have served their country under my immediate orders, can bear witness to what I had daily to suffer, not from the Greek nation certainly, nor from the brave military who supported me, but from the system adopted by the government, which was ill calculated to aid our military operations, but well adapted to drive from his post any general who did not feel, as I did, that he had devoted his humble services, not to the individual at the head of the government for the time, but to the Greek nation; and in whose soul the desire of her freedom was not the ruling passion to which all others were subservient. With the greatest respect for the Greek nation, I subscribe to the following declaration, 'That the actual system of the government of Greece is not in harmony with my opinions or conscience;' and in consequence I resign into the hands of the representatives of the nation, assembled in Congress in Argos, the commission of generalissimo and director of all the land forces of Greece, which I re-

ceived from the national congress of Trœzene in 1827."

The National Assembly was convoked at Argos, on the 23rd of July. It ought to have met sooner: but so little interest was felt, in the existence of such a body, that the day of meeting had elapsed, and the elections had not taken place. The President was under the necessity of writing circulars to certain persons, whom he had connected with the administration, under the name of extraordinary commissioners, urging them to find ways and means of getting the elections carried through. An assembly accordingly was got up, and, in such circumstances, its opinions, if it had any, would all lie one way. Those concerned in it were so ignorant of their business, that a great many provinces returned the President himself as a member of the legislative body. He might as well have named the members himself. The province of Corinth gave its deputies instructions, which, after a warm eulogium on the President, contained these two simple rules: 1st, they were to confine themselves to matters, which, in the President's opinion, would advance the public good; 2nd they were not to meddle with factions, and so resist the President's salutary intentions. They were farther told that, if they departed in any degree from these instructions, their powers were null and void.

The assembly, thus composed, almost exclusively, of the President's partizans, and governed solely by his influence, continued to sit from the 23rd of July till the 18th of August. It passed a law, directing that all differences

between parties, arising out of crimes committed by the one against the other, between the 8th of March 1821, and the installation of the provisional government in 1828, should be decided by three arbitrators, to be named, one by each party, and one by the government. These arbitrators were only to award damages, and their great object was to be "the extinction of hostile passions." Another decree recognized the necessity of building churches, providing for the clergy, and establishing schools and printing-offices; and therefore empowered the government—to take all the money which might be given to it for these useful purposes. It recognized the disinterestedness of the President, in having "devoted to the service of the country the remains of his property;" and voted him a civil list of 180,000 phacnines, a revenue as little *in esse* as was the coin in which it was estimated. The President declined the money, which there was no treasury to pay; and having told them that he was proud to have been allowed to "deposit the remainder of his small property on the altar of the country," added, that he would never be a burthen to the public so long as any thing was left of that "remainder" which had been already deposited. In regard to foreign affairs, they gave him full power to take part in any negotiations regarding Greece. By their last act, they declared that they themselves were to form the next assembly, and were to be convoked by the President so soon as the government should have prepared a constitution, or other important matters should occur.

In the mean time, the ambas-

sadors of France and England, had returned to Constantinople, and had presented for the acceptance of the Sultan, the protocol of the 22nd of March. The Russians were not yet beyond the Balkan; to accept the protocol was not yet a work of necessity: therefore the Sultan obstinately refused to have any thing to do with it. The Balkan was crossed; and the Sultan now proposed to yield to the Greek treaty, on condition of Greece being restricted to the Morea, of its being placed under a Hospodar of his own choice, of his receiving a large tribute, and of the new state enjoying no public force, no separate national flag, no sign nor symbol of independence. These terms were not acceded to; in accordance with the protocol they could not be granted. The Russian army entered Adrianople, stretched across the country from sea to sea, and began to put out its feelers towards the capital. To yield was at length a work of necessity; and Russia, dictating the terms of peace, inserted an article in the treaty, by which Turkey acceded expressly to the protocol of the 22nd of March, and by which it was stipulated that the Porte should immediately appoint plenipotentiaries to settle with those of the three powers, the execution of the stipulations and arrangements contained in that diplomatic act.

Russia, in thus making the settlement of the Greek question an article of her separate treaty with Turkey, falsified her own declaration, and usurped the powers of her allies. She had expressly and ostentatiously announced, that the Greek question was no cause of the

war which she was about to wage, and that, in regard to that topic of dispute, she would act only in concert with her allies. By what right, then, did she insert a single stipulation regarding it, in the treaty that terminated a war, with which, according to her own professions, it had no connection, and a treaty to which those powers, without whom she had bound herself to take no step regarding it, neither were, nor could be, parties. This resembled too much the arrogance of the conqueror, who felt that his sword had rendered him independent of his diplomatic allies, and that he had contrived to make use of their assistance to put him in a situation, which enabled him to settle the Greek question in any way he might choose. France and England immediately represented to Russia, that the execution of the treaty of London did not belong to her alone, but was to be the joint work of the three Cabinets. In consequence of this representation, it was agreed that the conferences regarding Greece should be transferred to London, and that Turkey should not be authorized or required to send plenipotentiaries to attend to her interests, although her treaty with Russia expressly stipulated that she should have power to do so. As among the allies, this might be perfectly right; but as to the Porte the principle was this, that the provisions in the treaty between it and Russia were to be binding on the latter only in so far as they were not inconsistent with engagements between her and other powers, to which the Porte was no party.

The first important question was, whether Turkey should be allowed to retain even a nominal

sovereignty over the new state, with an annual tribute, or whether Greece should be utterly severed from the empire, and set up in absolute independence? The *suzeraineté* of the Porte had been one of the provisions of the treaty of London; it was an express condition of the protocol of the 22nd of March, to which the Sultan had been compelled to accede. The three powers had not hitherto claimed any right actually to cut off whatever portion they might choose from the Sultan's dominions and erect it into an independent state. But they had now changed their minds; and it was resolved that Greece should be freed from the sovereignty of Turkey out and out. To say nothing of the mischievous principle, if principle there be any, which lies at the bottom of such acts, what had already become of the treaty of Adrianople, signed only a few weeks before? The Sultan had therein accepted the protocol of the 22nd of March; he had taken its disadvantages, and he was entitled to its benefits. By that treaty Russia was bound, if there be any faith in treaties at all, to preserve to Turkey its supremacy over Greece; and yet Russia is one of three powers who calmly sit down, when the ink of that treaty is scarcely dry, and resolve that it shall not be observed! True it is, that Russia ought not to have meddled with the matter—that she was bound up from making any stipulation regarding it. But still, since she had done so, she, at least, was bound to use all her influence to obtain its fulfilment: she used all her influence the other way. Even in regard to her companions, the conditions,

which they had proposed, were *verbatim* the conditions to which Russia brought Turkey to consent in the treaty. Turkey, who was no party to their conventions and protocols, was entitled to hold, that, when she made one of the powers the medium of her assent to that which all the three were demanding, she was satisfying the claims of all of them. *Vae victis!*

As some compensation for this unprincipled game of confederacy, the three powers next agreed to restrict the territory of the new state within somewhat narrower limits than were assumed in the protocol. The boundary in that instrument was a line drawn across the mountains from the gulph of Volo on the east, to that of Arta on the west. The line now adopted was farther to the south. It was to commence on the east at Zeitouni, a little to the northward of Thermopylæ, and run across the country, in the direction of Vrachori, till it reached the river Aspropotamos, the ancient Achelous, whose course it was then to follow to where it joins the sea not far to the west of Missolonghi. It thus excluded Acarnania and Thessaly, the town of Vonizza, which the Greeks had taken early in the year, and an extensive tract of level country lying round the gulph of Calamò. These matters were determined without consulting the wishes of the Greek people, or even making any communication to the Greek government. The National Assembly, which met at Argos on the 23rd of July, passed a decree, approving of the contents of the Presi-

dent's answer to the note of the English resident, requesting a suspension of hostilities, and giving full power to the President "to take part in the negotiations to which the allied powers might invite him, in order to agree on the conditions of the execution of the treaty of London," but declaring, at the same time, that the conditions agreed on should not be binding on the nation, till they were acknowledged and confirmed by its national representatives. Count Capo d'Istria was invited to no negotiations, nor even informed of their course. The interests of Greece and of Turkey were decided at London, without the intervention of either a Turkish or a Greek minister. It remained to be seen how far the conclusions, at which the three powers might arrive, would receive the approbation of the "national representatives of Greece," and, if they did not, how far these powers had succeeded in establishing happiness and repose by sacrificing the sound principles of international law. Greece could scarcely have much reason to complain. The three powers had not fought on her side as allies; they had created her, as a thing to be moulded and fashioned by their own views, and at their own pleasure. The power they were exercising was anomalous in principle, and difficult in practice; but fortunately they could scarcely do any thing for her so bad as would indubitably have resulted from the ignorance of her own people, and the ignorance, knavery, and selfishness of her own great men.

CHAP. XII.

UNITED STATES.—Congress—Inaugural Address of the new President.—BRAZIL.—Extraordinary Meeting of the Legislative Assembly—Proposed Reformation of the Bank—Ordinary Meeting of the Assembly—Reductions in Expenditure—Finances—Attempted Impeachments of the Ministers of Justice and of War for their Proceedings on occasion of an Insurrection at Pernambuco.—BUENOS AYRES.—General Lavalle, at the head of his Troops, overturns the Government—Do Rego, the Governor of Buenos Ayres, raises Troops in the Country to oppose him—Lavalle marches against him, defeats him, takes him Prisoner, and puts him to Death without Trial—Civil War—The Provinces of Santa Fè and Cordova declare against Lavalle—He marches against them—In his absence the Federalists under Rosas approach Buenos Ayres—Lavalle returns to defend the City—Buenos Ayres is besieged—Lavalle concludes a Treaty with the Federalists—Reverses of the Federalists in Cordova—The influence of Lavalle prevails in the Elections at Buenos Ayres—The Federalists refuse to acknowledge them—A new Convention is concluded, annulling the Elections, and naming a Senate to conduct the Government.—COLOMBIA.—War with Peru—The Peruvians blockade Guayaquil, and make an unsuccessful attack upon it—It afterwards capitulates—The Peruvians are defeated at Tarqui, and Preliminaries of Peace are signed—The Peruvian Governor of Guayaquil refuses to give it up, and the Campaign is renewed—In consequence of a Revolution in Peru, Guayaquil is given up to the Colombians, and Hostilities are suspended, that a Peace may be negotiated—Bolívar convokes an Assembly to meet in 1830—He forces by a Decree the Rights of the Electors and the mode of Election—Santander's sentence of Death is commuted into Banishment—Decree against secret Societies—An Insurrection against Bolívar breaks out in Popayan, but is quelled—Another Insurrection against his unlimited power breaks out in the province of Antioquia—A Revolution in Bolivia, in favour of the Colombian party.—PERU.—A Revolution—The President, Lamar, is sent into Banishment, and General La Fuente seizes the Government.—MEXICO.—Consequences of the Insurrection of December 1828, and of the Flight of Pedrazza the President elect—Congress Meets—Pedrazza resigns, and Guerrero is declared President—Law for the Expulsion of the old Spaniards—State of the Finances—Congress imposes an Income Tax, but the Government is unable to enforce it—Extraordinary Meeting of Congress to oppose a Spanish Invasion—They Vote a forced Loan—They give the President unlimited power over Persons and Property—A Spanish

Army from Cuba lands in Mexico, and takes Tampico, and Tamaulipas. The Spaniards fortify themselves awaiting re-inforcements—The Mexicans, under Santana, march to Tampico—The Spaniards take Altamira—Tamaulipas is attacked by a Detachment of Mexicans, who are repulsed—The Spaniards are shut up in Tamaulipas and surrender.—GUATEMALA.—Siege and Capture of Guatemala by the troops of San Salvador—Meeting of Congress—Proceedings against the Members of the late Government.

ALTHOUGH the violent opposition excited, both within and without the Congress of the United States, against the Tariff bill of the preceding session, which raised the duties on all imported articles, had seemed to threaten a dissolution of the Union, the present session passed over without any attempt to obtain a repeal of the obnoxious measure. There seemed to be an understanding between its adversaries and its friends, that it would be improper for the existing Congress to make any alteration, as another President had already been chosen, and another Congress would be elected before the end of the year, when it would be seen whether a new legislature and executive would pursue the policy of their predecessors.

The boundary line between the United States and the Canadas had long been a subject of dispute between the two governments, and was still pending; but, pending though it was, Congress showed a strong inclination to treat it as being already decided in their own favour. The representatives for the state of Maine desired a vote of money, for the purpose of constructing a military road from Mars-hill, in the state of Maine, through the territory on the northern frontier. The proposal was advocated on the ground that such an exercise of

sovereignty on the part of the government of the United States, over the soil in question, would have a tendency to support the position which it had assumed in its negotiations with respect to that territory, and would show that it had no intention of weakening or abandoning that claim. In opposition to this, it was asserted that it would be inconsistent with the spirit of the agreement with Great Britain, and could have no effect in strengthening the title. Evident as this seemed to be, and plain as was the impertinence and chicanery of the motion, the question was carried in the House. The most objectionable part, however, was afterwards got rid of by an amendment, declaring that the road should be made only if the President "shall deem it necessary for maintaining the rights, and not inconsistent with the engagements, of the United States."

On the 4th of March, general Jackson, the newly-elected President, was installed in his office. Mr. John C. Calhoun was the Vice-President. The President's cabinet was composed of Mr. Van Buren as Secretary of State; Mr. Ingham, as Secretary of the Treasury; Mr. Eaton, as Secretary of War; Mr. Branch, as Secretary of the Navy; and Mr. Berrier, as Attorney General. The inaugural

speech of general Jackson was expressed with much moderation, and gave no countenance to the accusations regarding his despotic temper and exaggerated opinions, which had been busily propagated during the excitement of the election. After detailing the different duties which devolved on him as the head of the executive, he explained as follows the principles by which he was resolved to be guided in discharging them: "In administering the laws of Congress, I shall keep steadily in view the limitations, as well as the extent, of the executive power, trusting thereby to discharge the functions of my office, without transcending its authority. With foreign nations it will be my study to preserve peace, and to cultivate friendship on fair and honourable terms; and, in the adjustment of any difference that may exist or arise, to exhibit the forbearance becoming a powerful nation, rather than the sensibility belonging to a gallant people.

"In such measures as I may be called on to pursue in regard to the rights of the separate States, I hope to be animated by a proper respect for those sovereign members of our union; taking care not to confound the powers they have reserved to themselves, with those they have granted to the confederacy.

"The management of the public revenue, the searching operation in all governments, is among the most delicate and important trusts in ours; and it will of course demand no inconsiderable share of my official solicitude. Under every respect in which it can be considered, it would appear that advantage must result from the observance of a strict and faithful economy. This I shall aim at the more anxiously, both because it will fa-

cilitate the extinguishment of the national debt,—the unnecessary duration of which is incompatible with real independence,—and because it will counteract that tendency to public and private profligacy, which a profuse expenditure of money by the government is but too apt to engender. Powerful auxiliaries to the attainment of this desirable end are to be found in the regulations provided by the wisdom of Congress, for the specific appropriation of public money, and the prompt accountability of public officers.

"With regard to a proper selection of the subjects of impost, with a view to revenue, it would seem to me that the spirit of equity, caution, and compromise, in which the constitution was formed, requires that the great interests of agriculture, commerce, and manufactures, should be equally favoured; and that the only exception to this rule should consist in the peculiar encouragement of any products of either of them that may be found essential to our national independence.

"Considering standing armies as dangerous to free governments in time of peace, I shall not seek to enlarge our present establishment, nor disregard that salutary lesson of political experience which teaches that the military should be held subordinate to the civil power. The gradual increase of our navy, whose flag has displayed in distant climes our skill in navigation and our fame in arms; the preservation of our forts, arsenals, and dockyards; and the introduction of progressive improvements in the discipline and science of both branches of our military service, are so plainly prescribed by prudence, that I should be excused for

omitting their mention, sooner than for enlarging upon their importance. But the bulwark of our defence is the national militia, which, in the present state of our intelligence and population, must render us invincible. As long as our government is administered for the good of the people, and is regulated by their will,—as long as it secures to us the rights of person and of property, liberty of conscience and of the press,—it will be worth defending; and so long as it is worth defending, a patriotic militia will cover it with an impenetrable *segis*. Partial injuries and occasional mortifications we may be subjected to; but a million of armed freemen, possessed of the means of war, can never be conquered by a foreign foe. To any just system, therefore, calculated to strengthen this natural safeguard of the country, I shall cheerfully lend all the aid in my power.

“It will be my sincere and constant desire to observe towards the Indian tribes within our limits, a just and liberal policy; and to give that humane and considerate attention to their rights and their wants which are consistent with the habits of our government, and the feelings of our people.

“The recent demonstration of public sentiment inscribes on the list of executive duties, in characters too legible to be overlooked, the task of reform, which will require particularly the correction of those abuses that have brought the patronage of the federal government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed or continued power in unfaithful or incompetent hands.”

The government of **BRASIL**, having concluded a peace with Buenos Ayres, directed its attention to its internal concerns, which had suffered severely during the continuance of the war. On the 2nd of April, the Emperor called an extraordinary meeting of the Legislative Assembly. He convoked them, he said, for two reasons; first, foreign troops, consisting of Portuguese emigrants, were coming to seek an asylum in Brazil; secondly, the general condition of the finances, and more especially the state of the Brazil Bank, which required legislative interference. The first had ceased, “but the second,” said the Emperor, “continues, and I lament the necessity of recommending it, for the fourth time, to the notice of this assembly. The miserable state, to which the public treasury has been reduced, is notorious to all; and it is greatly to be apprehended, that, if, during this extraordinary session, in spite of my repeated recommendations, it does not provide an adequate remedy, the future fate which awaits us is very disastrous.”

The speech of the Emperor was followed up by a proposal of M. Calmon, the minister of Finance, for the better regulation of the Bank, as a preliminary step towards placing the currency of the country on a secure basis. The management of its affairs was to be vested in a directing commission of seven members, four of whom were to be named by government, and the other three elected by a majority of the share-holders. The Bank was thus to be under the management of the government, and to become, in truth, an institution whose operations would be guided solely by the views and

the necessities of the government. This direct commission was to be employed first, in withdrawing from circulation all notes which were payable at the Bank; secondly, in ascertaining the exact number of notes in circulation, and substituting for them new ones, to be signed by two members: thirdly, in winding up all the accounts of the Bank, and especially those relating to the debt of government; fourthly, in liquidating all the regular transactions of the Bank still pending; fifthly, in receiving the debts due to, and liquidating those due by, the Bank forthwith; and sixthly, in examining the state of the Bahia Orphans' Fund, and that of St. Paul. It was to render an account of its labours to the government monthly, and to lay before the Legislative Assembly every year a state of the affairs of the Bank. The current value of the notes in circulation, or of those which might be substituted for them, was to be recognized, and "the primitive funds" of the Bank were assigned as security for them. These funds were described as being "its funds of reserve, or the metallic funds existing in its coffers, the debt of the government, the debts of private individuals to the Bank, and every thing else which may constitute the credits of the Bank: the deposits in the Bank are also assigned as security to the public." So that the security spoken of amounted to this, that, if the Bank should become insolvent, its creditors would be allowed to take in payment whatever it might be found to possess. It was further proposed, that the debt due to the Bank by the government should continue to pay one per cent interest, to be distributed as a dividend half-yearly among the

share-holders; and, with a view to its liquidation, government was to be authorized to contract a loan in specie equal to three-fifths of its amount. The produce of this loan was to be exclusively applied to the purchase of notes of the Bank, according to their value in the market; and all the notes thus bought up, were to have no longer any value, excepting as payment to the directing commission on account of the debt to the Bank. The application of the loan, or of the notes bought up with it, to any other purposes than these was prohibited under the penalties denounced by the law against the embezzlers and dissipators of the public property. The relation of debtor, in which the government thus stood to the Bank, was an additional reason against lodging the management of the affairs of the latter in a body of directors, the majority of whom were to be named by the former, and who, it was further provided, were to take their instructions from the government in all cases of doubt—a quality which the government majority could, at its pleasure, affix to any proposed operation.

On the 3rd of May, the ordinary session of the Legislative Assembly was opened. The Emperor, to quiet their apprehensions of being involved in an European quarrel, assured them, that, although resolved to enter into no compromise with the usurper of his daughter's throne, he was equally determined not to endanger on that account, the interests and tranquillity of Brazil. He recommended to them to take measures for restraining the abuse of the liberty of the press, "which unhappily had been propagated over the whole empire," and, in a short

time, unless repressed, would be productive of the most fatal results;" and he again specially called their attention to the state of the finances. The accounts of the intended expenditure, and anticipated income, for the following year, were accordingly remitted to a committee, which, by its report, proposed considerable reductions on all the estimates, bringing them down from nearly thirty millions of milrees to about nineteen millions and a half, not quite five millions sterling, even without making allowance for the depreciation of the Brazil currency below the true value of the Portuguese coin. Besides the reductions, the language in which the committee proposed and justified them was by no means flattering to the government. They had discovered that two judges of the Supreme Court having exchanged their judicial functions for places in the administration, still retained their judicial salaries; they observed that "the nation was too poor to support, by accumulative sinecures, idleness and vanity." The expenditure of the war department, which they cut down nearly one-half, they described as "enough to drive the blood back into the heart."

One topic of inquiry related to the conduct of the government regarding the payment of the interest on the Portuguese loan negotiated in London, which Brazil, by the treaty of independence, had become bound to take upon itself. The committee reported that the Chambers had already voted money for the discharge of this obligation, and demanded to know what had been done with that money. "Have the interest and sinking fund on the Portuguese loan in London been paid? Have the dividends

of the last six months of 1828, and those of the year 1829, been yet discharged? If they have not, where is the money? If the commission can lend its ear to public report, there has been no interest paid on that loan, the payment being suspended by the omnipotence of the London legation. If this be the case, how, without some explanation, are the respective sums advanced, which show an uninterrupted continuance of the transactions." — M. Calmon, the minister of finance answered, that he was ready to lay before the Chamber all the documents which related to the subject. From these it would be seen, that, on the usurpation of the Portuguese crown, the payment of the Portuguese dividends had been suspended by the Brazilian legation in London, which gave notice, at the same time, to the Brazilian government of the fact, and of the grounds on which it had done so. The Brazilian government, on learning this, ordered the payments to be made as formerly. But its representative in England, conceiving that, by the success of Don Miguel's usurpation, the treaty between Brazil and Portugal was broken, and seeing that there was no Portuguese ambassador in London to receive and pay over the dividends to the Portuguese creditors, delayed the execution of the order, and wrote home for farther explanations—for, by the terms of the treaty, the funds to pay the interest of the Portuguese debt, transmitted in the first instance from Brazil, were to be handed over from the Brazilian to the Portuguese ambassador, and to be paid by the latter to the holders of the Portuguese bonds. To the demand for further instruc-

tions or explanations, the government of Rio de Janeiro replied, that the usurpation of the throne of Portugal did not alter the obligations of Brazil, — that these obligations, arising from existing treaties, should be fulfilled, whoever was king of Portugal, — and that, as the dividends could not be paid to the English creditors, from the want of an accredited agent from Portugal, the funds should be deposited in the Bank of England till such an agent should be appointed. "This order," the minister added, "still continues in force, and thus the credit of the empire has been saved." Nothing could be more frank than this statement of M. de Calmon. It admitted the obligations of Brazil fully and distinctly. It went farther; it implied that funds had been transmitted for the purpose of making the necessary payments; and that these funds, during a temporary delay, arising from the state of political relations, had been deposited in the Bank of England, and were now ready to be distributed among the creditors. Unfortunately, this, the most important part of the statement, was one in which the Brazilian minister was deceiving, or had been deceived. Not a shilling had been lodged in the Bank of England; and the question of the committee, "Where is the money?" was not yet answered.

The only interruption of the internal tranquillity of Brazil arose from a revolt which took place in Pernambuco. It was speedily crushed; but in suppressing it the government had recourse to extraordinary measures of military law, and tried the offenders by a military commission. These proceedings were loudly complained

of as being unconstitutional. A motion was made in the legislative assembly to impeach the Minister of Justice, for having ordered arrests, and continued to detain the persons arrested, in violation of the forms established by the law for the protection of personal liberty. This motion having failed, it was followed by another for impeaching Alvarez, the Minister of War, on the ground that the military commission which he had established was illegal and unconstitutional. The debates on this motion were long and angry; the Emperor took so lively a personal interest in the affair, that he remained all day in his palace during the discussions, receiving accounts, from time to time, of the turn which they were taking; and it was believed that he had determined, in the event of the impeachment being carried, to dissolve the chamber. The motion was lost, 82 deputies having voted for it, and 39 against it. So small a majority, all that the influence of government could produce, proved either that the government had been very clearly in the wrong, or that there was a dangerously powerful party determined to resist the imperial government, whether it was wrong or right.

In BUENOS AYRES, again, the termination of the war was the commencement of ruinous and disgraceful civil dissensions, in which nothing was respected but force, and the people allowed themselves and their government to be made the sport of military adventurers. General Lavalle returned to the capital with part of the army, in the end of November 1828, and forthwith proceeded to overturn the government, which, since the resignation of Rivadavia in 1827,

had been in the hands of a party to which general Lavalle was opposed; but although it did not consist of the general's political friends, it was a government regularly appointed according to the order of the constitution, and was one under which the general had been fighting for a year and a half. He entered Buenos Ayres at the head of his men, on the 1st of December, and announced that the government was at an end, having proved itself unworthy to fill the post which it occupied. A tumultuous meeting of what was called an assembly of the people was immediately held in presence of his troops. The general himself was appointed provisional governor of the province of Buenos Ayres, and the rest of the public offices were filled up with his officers and creatures. Do Rego, the governor of Buenos Ayres, had fled from the city a few hours before, and, along with Don Manuel Rosas, a powerful supporter of his party, was collecting troops in the neighbouring country. Lavalle marched against them on the 6th of December. On the 9th a battle was fought, in which Do Rego's army was defeated. He himself was taken prisoner, and was instantly shot by order of Lavalle, without any formality of trial—without even an inquiry by a court-martial. No more lawless deed of bloodshed could be perpetrated. Lavalle himself thus announced it to his functionaries in the capital. "Senhor Minister.—Inform the delegate governor, that colonel Don Manuel Do Rego has just been shot, by my order, in front of the regiments which composed this division. History will impartially judge, if colonel Do Rego deserved to die or not; and if, in sacrificing him for the tranquillity of a people oppressed by him, I could have any

other sentiment but the public good. I wish you to inform the people of Buenos Ayres, that the death of colonel Do Rego is the greatest sacrifice I can make in its favour." The country, in which such things could be safely done, could make no pretensions to the possession of a government. No man's life, liberty, or property, was secure for an instant against military bands, which had seized power, and were administering law, at the point of the bayonet.

The murder of Do Rego, however, did not disperse his adherents. Rosas, Bartos, Molina, and other officers still kept the field, at the head of considerable bodies of men, composed of the country people, or militia, joined by a few Indians, whom it had been the policy of the late government to gain over. They declared that they were in arms to maintain the Constitution, and the legal representative government, which had been ejected by military violence. Lavalle, and his party, on the other hand, described their opponents as robbers and banditti, resisting the laws, and setting at nought the power of the true government of the country. The latter were styled Unitarians, the former were distinguished as Federalists; neither of them seemed inclined to recognize any law except their own military power; and both of them concurred in plunging the provinces into a civil war. In the North, the cause of the Federalists was sustained by general Bartos at Cordova, and by Lopez, the governor of Santa Fé. In Buenos Ayres, it was headed by Rosas, the most opulent landholder in the province, whose influence had brought to his standard almost all the peasantry, and gave him the command of the country districts. The first collision took place in the

north. On the 7th of February, an engagement took place, at Palmitas, between a detachment of the Unitarians, and a body of five hundred Federalists, commanded by Molina. The latter were routed; their second in command was taken prisoner, and sent to Buenos Ayres, where he was immediately put to death by a military commission, as being guilty of sedition, insurrection, resisting in arms the troops of the province, and uniting with the Indians to desolate the country.

Lavalle, who, in the mean time, had been occupied in securing the peace of the capital, by prohibiting all publications hostile to his party, and in providing for the safety of the southern provinces, now collected his troops to march into the northern provinces. Before leaving the city he issued a proclamation, convoking the legislature on the 1st of May. That assembly, however, was prevented from meeting, and the enterprise of Lavalle against Santa Fè was suspended, in the end of April, in consequence of Rosas, at the head of a considerable army of Federalists, having unexpectedly appeared before the capital. This intelligence recalled Lavalle from his northern expedition. He contrived, by forced marches, to get between the enemy and the city, and some fighting took place, on the 26th of April, which terminated favourably for the Federalists. The city was in a state of the utmost alarm and confusion, numbers of women were placed on board ship; most persons who had the means of doing so, were making arrangements for the security of themselves and their property; business of every kind was suspended by order of the government, that the attention of all might be directed to the existing danger, and

foreigners of every nation were commanded to arm in defence of the city. To all this was added, at the same moment, a foreign quarrel. In executing the order that foreigners should take up arms, a distinction was made between French subjects and the British and Americans, on the ground that France had not yet recognized the republic. Although the British and Americans were exempted from military service in the defence of the city, it was thought right to order the French residents to take up arms. The latter refused, and that refusal was followed by a notice from the government to quit Buenos Ayres within twenty-four hours. The French consul, M. Mandeville, immediately set about engaging vessels for the purpose, with all possible activity. He then repaired on board a French ship of war which was in the roads, and communicated what had taken place. Two days afterwards an expedition was sent into the inner roads in the night, which cut out all the men-of-war that were lying there in ordinary, and burnt one vessel. The French commander, likewise, intimated that he would take possession of all public property, unless the Buenos Ayres Government retracted its obnoxious order.

On the 4th of May, the Federalists sent in a flag of truce, with proposals for an accommodation. The answer returned was, that no terms could be listened to, so long as they continued to occupy any part of the province with an armed force. But Lavalle was too weak to beat back that armed force; the siege continued, and he was daily more closely pressed. The Federalists, always increasing in number, harassed the city night and day; they cut off its supplies; skirmishes

were taking place almost in the very streets. The horses of the Unitarian army were reduced to the last extremity from want of provender; their parties dared not venture far from the city, their enemies being too numerous and well mounted: the authority of Lavalle did not extend beyond the streets of Buenos Ayres. The sufferings and dangers of the capital produced, among some of the wealthier inhabitants, mention of peace; and negotiations were begun between Lavalle and Rosas. They terminated in a treaty between these two chiefs, concluded on the 24th of June, by which it was stipulated that, within the shortest possible time, an election of representatives, according to law, should take place; that, on a permanent government being installed, both Rosas and Lavalle should place at its disposal the forces which they commanded; that the obligations contracted by Rosas for the maintenance of his troops should be recognized and discharged; that his officers should be entitled to pay according to their rank; that no individual should be molested for his conduct or political opinions anterior to the treaty; that Rosas should continue commandant-general of the country districts of the province, with authority to take such measures as he might think convenient for preserving the tranquillity and security of the country, and to fill up the necessary offices, the provisional government taking care, in the mean time, to provide him with every thing necessary for that service. Lavalle announced the treaty in a proclamation, in which, in relation to the men whom, during the preceding six months, he had been describing as traitors and rob-

bers, he said, "I have found in those who were opposed to me only fellow-citizens, disposed to consecrate to the honour of their country those arms which were raised against their brothers." His scheme of securing the unquestioned domination of his own party had evidently failed; he had set out with the resolution of supporting himself by military power, but he found his antagonist too strong to allow him to expect a favourable issue from force.

General Paz, who commanded the Unitarians in the north, and had marched against the Federal provinces of Cordova and Santa Fe, was more successful in his operations. He took possession of Cordova on the 11th of April, general Bustos, with a force of about eight hundred men, having retired on his approach. Paz marched in pursuit of him, and, on the 22nd of April, an action was fought, in which Bustos was worsted. The Unitarian leader continued in Cordova, while Bustos rallied and reinforced his troops, and effected a junction with Quiroga, who commanded another body of the Federalists. They then advanced against Cordova at the head of five thousand men. Paz marched out to meet them; and, on the 22nd and 23rd of June, engagements took place, in which the Federalists were defeated, with the loss of about one thousand five hundred men in killed and prisoners.

These successes renewed the courage, and re-invigorated the exertions, of the Unitarians at Buenos Ayres, in the elections which had been decreed by the convention of the 24th of June. These elections took place on the 26th of July, and Lavalle was

able, by his influence, and the presence of his troops in the capital, to turn them in favour of his own party. As the result, therefore, was disagreeable to Rosas, and gave little security for the observance of the stipulations of the treaty in his favour, Rosas, like every other leader who feels himself too powerful to be compelled to submit to what he does not like, refused to acknowledge the government thus created. He kept his station, threatening and discontented, within twenty miles of Buenos Ayres, at the head of his troops. The alarms of the city were renewed; even Lavalle's own party doubted the prudence of raising to power, and that, too, not without force, party-men of his own faction, whose appointment would only exasperate an adversary too powerful to be openly defied. New negotiations were set on foot, and led to a new convention, on the 24th of August, between Lavalle and Rosas, by which it was agreed, that the elections should be annulled, and a government created without regard to the elective system of the republic, by vesting the powers of the state in a senate consisting of twenty-four individuals therein named. In the selection of these individuals, the dictation of Rosas prevailed; they were all, with a few exceptions, decided Federalists. The new governor, general Viamont, though professing to belong to neither of the contending parties, was generally considered to be much more the friend of Rosas than of Lavalle. At the head of the finances was placed Garcia, the minister who, in 1827, had concluded with Brazil a treaty which the republic had disavowed. On the 2nd of September, Federalist troops marched into

the city, where Lavalle, however, was continued in the command, while Rosas retained his troops and his power as commandant-general of the country districts. The senate was installed on the 16th of September. Some of the members appointed had refused to accept the office, on the ground that they could not act in any government formed in utter defiance of the constitution of the country, and the rights of its citizens. How soon had this new republic fallen into the fangs of military despotism! A general, having concluded a war, returns to the city. He finds a government created according to the laws of the country; he dislikes the political conduct of that government; and, by the mere power of the sword, strikes it to the ground, and sets himself up in its stead. He proceeds to inflict death on the members of that government, according to no law, but his own will, and after no investigation, either civil or military. Another military chief rises to oppose him; the country is kept in confusion and bloodshed between them; they modify and alter its form of government as seems good to their individual interests; at last they strike up a treaty, by which they trample its constitution under foot, and create a government of their own manufacture; and, throughout all these proceedings, the people of this republic are allowed no voice—no interest is consulted but the military power of the rival leaders. The whole proved that one party ruled in the city and another in the country; that the former was too weak for the latter; and that in both the only efficient law was that of the sword. As to the confederation which formed the Ar-

gentine republic, it no longer existed. While the country districts of one province were fighting bitterly against its capital, the different provinces had their armies in the field, and were fighting equally bitterly against each other.

Colombia brought to a termination, during the present year, the war which, in the course of the preceding, had sprung up between her and Peru, without any intelligible cause, and had been conducted without spirit. In the end of 1828, the Peruvians blockaded Guayaquil with a squadron under admiral Guise, consisting of one frigate, a corvette, a schooner, and two launches. In the middle of December, the blockading squadron proceeded up to the city. The Colombians, though the squadron had been in their waters for several weeks, were taken by surprise, and the first broadside from the frigate battered down a fort, a short distance below the city, which mounted seven large brass pieces, but was defended by only sixteen men. The Peruvians landed in boats, and spiked all the guns.—Below the fort a chain was thrown across the river, on which the frigate hung nearly twenty minutes before she could slacken it, and if the fort had been well manned, and the guns well worked, she would have been blown to pieces. The squadron lay in front of the city three days, and fired three thousand shot, to the great injury of several houses. Relying on the co-operation of a strong party of disaffected in the town, the Peruvians at last attempted a landing, but they were repulsed with loss; and some batteries having been erected, which played with effect upon the fleet, it was compelled to retire, having lost its commander,

who was killed by the bursting of a gun. The blockade, however, continued, and, on the 19th of January, articles were concluded between its commandant and the Peruvian generals, for its conditional surrender within a given time. It was agreed that, unless official news should be received by one of the contracting parties, of a battle between the two armies within ten days from that date, the place should be evacuated by the Colombians, under such conditions as might be necessary to secure the persons and property of those who had rendered themselves liable to animadversion for their political opinions. If the Colombian army should lose a battle, the place was to be evacuated on the same conditions, in three days after the receipt of the news. In either case the Colombian vessels of war, artillery, and other armaments, were to be delivered up, but to remain in trust during the war, and not to be employed against the Colombian republic. The commander of the Peruvian squadron was to establish a form of government, after the surrender of the town. The debts contracted by the government of the place were to be scrupulously acknowledged and paid, except those contracted by the garrison and fleet; the town was not to be molested by contributions; none of its inhabitants were to be compelled to take up arms against Colombia; and persons, who had resorted to the Peruvian squadron, or emigrated during the blockade, were to be permitted to return and take possession of their property, or receive a just indemnity according to the laws of the country. No battle having been fought within the ten days, the town was surrendered under these articles of capitulation.

The armies, by whom the battle should have been fought, were approaching each other. Unimportant encounters between small detachments had taken place on various points, and the Colombians uniformly claimed the advantage. The Peruvians, under Lamar, were in the neighbourhood of Jiron; general Torres, at the head of the Colombian army, was opposed to him; and Bolivar was on his march from Bogota with additional troops. Before he came up, a battle took place at Tarqui on the 26th of February, in which a division of the Peruvian army, commanded by general Plaza, was completely defeated, the general himself, and the greater part of his principal officers having been made prisoners. Not many men were killed; but the Colombian commander admitted that he had suffered severely in wounded.

The consequence of this battle was, the signature of preliminary articles of peace next day. Lamar felt himself too weak to stand before the united forces of the enemy, and he could expect no support from home, where a powerful party was plotting his downfall. Bolivar was equally inclined for peace; Colombia had its own intestine commotions; the loss of Guayaquil made the war unpopular: to recover it by a treaty was more desirable than to run the risk of a campaign; and he encountered great difficulties in supporting his army. The articles of a convention were accordingly settled, in the Peruvian camp at Jiron, on the 27th of February. It was therein agreed, that Peru should pay the debt incurred by her to Colombia, during the war of independence, and give to the latter, for the dismissal of its minister from

Lima, the satisfaction which, in such cases, is usually given between nations. As Colombia would not sign a definitive treaty while enemies troops occupied her territory, it was agreed that the Peruvian army should withdraw beyond the Macara, completely evacuating the Colombian territory, within twenty days of the date of the convention, and, within the same period, Guayaquil, with its shipping and military stores, should be given back. Plenipotentiaries were then to assemble in Guayaquil, in the month of May, to conclude a definitive treaty.

This convention was signed by the generals on both sides, and approved of by Bolivar, but the stipulation for the restoration of Guayaquil rendered it, in the mean time, unavailing. When the order to give up that town was transmitted to Prieto, its Peruvian commandant, he refused to obey it. He informed the Colombian commanders that, notwithstanding the conclusion of the preliminaries at Jiron, he thought it his duty, in accordance with the opinion of a council of war which he had consulted on the matter, not to deliver up Guayaquil and the Colombian squadron which had surrendered in its harbour, till he should have received the final determination of the supreme government. The consequence of this refusal of an officer to obey the commands of both his civil and military superior, was, that the Colombian troops continued to advance. The march was burthensome, for it was found impossible to support the army in a country so devastated, without receiving supplies from home—a consideration which had weighed with Colombia in acceding to the preliminaries of peace: but the

fruits of victory, the honour of the country, and the popularity of Bolivar, would have been sacrificed by abandoning Guayaquil. Their advances, however, were slow; their operations showed no decision, or enterprise, or alacrity. But, in the month of June, a revolution took place in the government of Peru, which aided the settlement of this lingering war. The command of the Peruvian army was given to Gamarra, and he was desired to open, if possible, a communication with Bolivar, in order to treat about the suspension of hostilities. He proposed an armistice for ninety-six days. Bolivar offered to agree to it, on condition that Guayaquil was instantly given up. The Peruvian commander would not consent to this proposal without the authority of the commander-in-chief. A messenger was despatched for this purpose, and a suspension of hostilities, to endure till his return, was concluded on the 27th of June. The condition, on which Colombia insisted, was granted: Guayaquil was to be given up within six days after the ratification of the armistice by Bolivar. The armistice was to endure for ninety days from the 27th of June, as originally proposed, to give time to negotiate a definitive treaty of peace. If that period should prove too short, the commanders were authorised to prolong the suspension of hostilities. Though the possession of Guayaquil was to be immediately given up, the Peruvians were to retain the vessels and other government property which had been found there, till the conclusion of a definitive treaty of peace.

The dissolution of the convention of Ocana in 1828 had left Bolivar dictator of Peru. According to

him, that convention had abolished the existing constitution;* and he had dismissed it, without leaving it opportunity to frame another. His possession of unlimited power was avowed, too, by his ministers. In the course of the communications between Colombia and Peru, which preceded the declaration of war by the former, the Peruvian minister for foreign affairs addressed the Colombian agent, O'Leary, in an official note, as "the commissioner of general Bolivar." O'Leary took offence at this; he could not consider it, he said, as a new insult to the Colombian nation; he would rather ascribe it to a doubt which foreign nations might entertain regarding Bolivar's proper title, "since the republic had confided to him the *unlimited command* of the state." In the form of its government, therefore, the republic of Colombia was no more; it was governed by a dictator. It no doubt was expected that Bolivar would re-assemble some legislative body, and re-instate the nation in its rights; but, in the mean time, his power was absolute; during the whole of the present year he called no such body into existence. On the 24th of December, 1828, he issued a decree, convoking a constituent congress; but it was not to assemble till January, 1830, although he had declared in his proclamation, after the dissolution of the convention of Ocana, that he would assemble it within the year; and he fixed at his own pleasure both the mode in which it should be elected, and the powers which it was to exercise after it was formed. The mode of election was to be indirect. Parochial assemblies were to choose

electors, and these electors were to choose the deputies. To have the right of suffrage in the parochial assemblies, it was necessary to be a Colombian, or to have obtained letters of naturalization; to be married, or to have attained the age of twenty-five years; to be a householder, or employed in the public service; and to possess an income of one hundred and eighty dollars annually, arising from any kind of property, profession, art, science, or industry. Every four thousand inhabitants were to choose one elector. In addition to the qualification of birth required for the right of voting in parochial assemblies, the elector was required to be able to read and write—to be thirty years of age, and a householder in the canton or which he was chosen, and to possess an annual income of three hundred and sixty dollars. The electors of each province were to choose deputies in the ratio of one for each forty thousand of its population. The qualifications for a deputy were, that he should be a Colombian, a householder in, or native of, the province for which he was chosen, possess an annual income of five hundred dollars, and have completed his thirtieth year. It was declared that, when this constituent congress should have been formed, its powers were to be limited “to the granting of a permanent constitution to Colombia, conformable to the lights of the age, as well as to the habits and necessities of its inhabitants, and to elect the high functionaries who might be absolutely necessary for its establishment.”

The belief that Bolivar was aiming at the absolute authority which he now possessed, had produced a conspiracy against his life, the failure of which, with the fate of the

conspirators, has been recorded in our annals of last year. General Santander, the vice-president of the republic, had been condemned to death by a military commission as accessory to the plot; and the evidence, if true, proved clearly that he was aware of the attempt which was to be made. The council of state, however, recommended the commutation of the sentence into banishment, principally on the ground that it now turned out, that, on a former occasion, he had prevented the execution of a design framed against Bolivar's life. In submitting to Bolivar their reasons for recommending a commutation of the sentence, they said, that, as the plot, however atrocious, had not succeeded, the shedding of more blood could not now produce any good effect, and might excite horror at the punishment, rather than at the crime itself. “If the same proofs of co-operation in the conspiracy existed against general Santander, as existed against the defunct ex-general Padilla, the council would not hesitate a moment in advising the Liberator-president to order the sentence pronounced by the Court-martial, to be carried into execution; but as such proofs do not exist, as the above circumstances have some weight, and as general Santander has proved that he prevented the assassination of the Liberator, which was intended to have been effected in the town of Suacha on the 21st of September, and as it has been clearly made to appear that such assassination was actually contemplated, and did not take place on that day, the council are of opinion that the government would do better to commute the punishment of death into deprivation of office, and banishment from the domini-

ons of the republic, with a prohibition never again to put his foot upon his native soil, without the special permission of the supreme government, under condition that, in case he should at any time act contrary to the above prohibition, the punishment of death should be inflicted upon him by any judge or military chief of the place where he might be apprehended ; that his estates should be held as it were in trust by the government, without his having the power to sell, mortgage, or in any way encumber them, in order that they might serve as a pledge of security for his not breaking the prohibition, and might be confiscated in case he should do so ; but that, in the meantime, the culprit should be allowed to live upon the produce of the said estates." Under these conditions, Santander, after a confinement of some months, was allowed to leave Colombia for ever ; but his passports were granted exclusively for Europe. He was not allowed to go to the United States, and he was prohibited to write against Colombia.

But the punishment of conspirators did not eradicate the suspicions, the animosities, the violent party spirit, which produced conspiracies, in countries where every thing was marked with change and confusion — where nothing was considered fixed or stable—where to seize the powers and new model the frame of government, was the privilege of every man who thought himself strong enough to attempt it. To guard against hidden machinations, Bolivar issued a decree, imposing a fine of two hundred dollars on any person who should allow meetings of any secret society to be held in his house, and a fine of one hundred dollars on every member who attended. The heads

of his lately established police were authorized to exact these penalties. This was a plain exercise of legislative functions—the enactment of a penal law, the creation of an offence, and the allotment of punishment ; and these acts of power did not quiet the apprehensions of those who viewed the existence of the power itself as a crime against the state. The former plot was scarcely suppressed, when a new insurrection, supposed to be connected with the former, broke out in Popayan, headed by general Obando. He was joined by several officers, and a considerable number of men ; they made themselves masters of the capital city of the province, and proclaimed the late constitution. Bolivar immediately marched in person into the revolted districts, at the head of a large body of troops. At the same time he published a proclamation, offering pardon to such of the insurgents as, within twenty days, should lay down their arms, and swear adherence to the existing government, that is, to his reigning without the aid, or the fetters, of any constitution. Finding themselves unable to resist him in the field, the conspirators in general submitted, and the plot died away, the insurgent chiefs not losing even their places.

In the month of September, another insurrection broke out in the province of Antioquia, and department of Cundinamarca, headed by general Jose Maria Cordova. He first raised his standard at Rio Negro, where he was joined by the governor, and the principal inhabitants. He put forth a proclamation, stating his object to be, to restore the constitution of Colombia against the tyranny of the Liberator. It is a document which throws light on the suspicions that Bolivar's conduct had excited. "Consistent

in my principles of liberty, and therefore in despair at the conduct and aims of general Bolivar, who oppresses the whole republic, I determined many days ago to place myself at the head of all true patriots and freemen, in order to prostrate his ambitious views, and restore the lost liberties of the nation. I had prepared and foreseen every thing, when the alarm was raised against me in this city by a chief, who, although he thought that in doing so he only fulfilled his duty, has in truth saved me from some difficulties, which the sudden transition from the acquiescence of slavery to the liberty of citizens would certainly present. Already, therefore, I find myself in the position which I desired, in order to commence the great work of restoring our liberty: from yesterday, the rule of general Bolivar is, in fact, disavowed; and the disavowal will immediately be proclaimed in the cities and towns, with all due solemnities. The flame of liberty, lighted up in this province, will pass with electric rapidity to Pasto, and thence through the whole republic; for the same flame is burning in the breast of every honest Colombian. In a manifesto now preparing, I shall give to the world the motives and the objects of the movement; Although they are well understood, yet I will present them in a regular order; and they are no other than whether we shall possess a constitution and laws—principles and guarantees—rights and liberty. Fellow countrymen, do you not love them? I am sure you do, and therefore I count upon you. The organization of the government of the departments and provinces, and the administration of the treasury, will go on without any other change than the removal of the

agents who are opposed to our operations. Alterations in the system, it only belongs to the sovereignty of the national representatives to make." As soon as the news of the insurrection reached Bogota, an order was issued from the war department for the arrest of general Cordova, his brother Salvador Cordova, and his brother-in-law, the governor of the province. This commission was intrusted to colonel Francisco Urdaneta, but, being attempted to be executed without resorting to armed interference, it was unsuccessful. Cordova afterwards marched upon Medellin, a short distance from the town of Antioquia, and was admitted on condition of protecting the lives and property of the inhabitants. From Medellin he sent a dispatch to the governor of the province, in which he described the object of his insurrectionary movement, and invited him to call a meeting of the authorities and servants of government, to swear resistance to the pretensions of the Liberator, and fidelity to the constitution of Cucuta. On the 15th of September this meeting took place, and Cordova presented himself before it, denouncing the Liberator, and painting in strong colours the calamities which he had brought on his country. The governor joined him in these representations. They ordered a levy of men throughout the province; but the power, which this measure was intended to create, would have been required to enforce it; for though the populace displayed great apathy in resisting them, they shewed as little anxiety to join their ranks. Antioquia itself was retained in its allegiance to Bolivar by the influence of the bishop of the diocese. Bolivar himself was absent in the south, with the army which had been

acting against Peru. The government of Bogota, however, shewed their sense of the importance of the insurrection, by sending field-marshal O'Leary from the capital, with seven hundred disciplined troops, while an equal number, with a proportionate train of artillery, were advancing from Magdalena under colonel Urreta. At Santuario, near Marinilla, O'Leary, on the 17th of October, fell in with general Cordova, who, abandoned by the inhabitants, and deserted even by many of his troops, did not muster more than three hundred men: an engagement ensued: Cordova, with two hundred of his adherents, fell on the field of battle, and thus the insurrection was quelled.

One of the causes of the quarrel between Colombia and Peru, had been the successful interference of the latter to effect a revolution, hostile to the interests of Bolivar, in Bolivia, a republic which Bolivar had himself created. In consequence of that revolution, general Sucre, the Bolivian president, though a Colombian soldier, had been sent out of the country, with all his establishments, civil and military. A constituent assembly, likewise, had been convoked, for the purpose of what is called in South America—revising the constitution—that is, for the purpose of discovering some new form of misgovernment for the ensuing year. This convention assembled on the 16th of December, 1828, but as its convocation had been the work of party spirit, its authority was far from being universally acknowledged. Potosi protested against it as being illegal. La Paz, and some of the deputies from the other provinces, called for its dissolution. In short, it was time to have another change, for it was nearly

nine months since the last one. The Convention, however, proceeded to name a president of the republic: their choice fell on general Blanco, who was elected on the 25th of December. Their adversaries, as a necessary consequence, proceeded to maintain their opposition by force, and they were now the stronger party, as the Peruvian army, which had established the existing government, had marched into Colombia. The new president retained his dignity and his life little more than a month. On the 31st of January in the present year, colonel Velasco, at the head of a body of armed men, forcibly dissolved the Convention, and seized the government. Blanco lost his life, either in the tumult of the actual revolt, or by a proceeding like that which Lavalley, not long before, had adopted at Buenos Ayres to get rid of his rival Do Rego. The proclamation, with which Velasco accompanied this assumption of power, accused the members of the Convention of having exceeded their powers by trampling on the laws of the constituent congress, of having exhibited turbulent and indecorous sessions, disgraceful to the nation, even to the extreme of dissolving themselves in effect, by the desertion of some, and the separation of others; of having thus left the government unsupported, without a new system to regulate its administration, and the nation disorganised in regard to its fundamental laws. It was therefore declared to be at an end; all the decrees which it had passed were annulled; the government was declared to be re-established on its original footing; general Santa Cruz was announced as president, and colonel Velasco himself as vice-president. All these changes of government and

system were announced by the colonial with a simple, "I have determined to decree, and hereby decree, as follows"—and his right to "decree" was just that which was acknowledged all over South America, viz. the boldness to try whether he was strong enough to execute it.

PERU, likewise, had its revolution within the year, effected, too, by military force. Lamar had been raised to power because he was hostile to Bolivar, who was suspected of aiming at governing Peru as well as Colombia. While he was absent with the army, Bolivar's party were taking their measures to overturn him; the loss of the battle of Tarqui, the severe nature of some of the stipulations in the proposed preliminary convention which followed, the expense and obvious failure of the campaign, were unfortunate for his popularity. Among the reputed partisans of Bolivar was a general La Fuente, who, having been ordered to march with the troops under his command to join the president, refused to obey. The public were kept in suspense for some days as to his designs; but he put an end to it, on the 5th of June, by declaring himself to be, in the mean time, until Congress could be assembled, the "supreme chief" of the republic, and filling all the public offices with his own friends. He was supported by 1500 men, and, therefore, like Lavalle at Buenos Ayres, and Velasco in Bolivia, he had a right to the constitutional formula, "I have decreed, and hereby decree." Lamar was immediately recalled from the army, the command of which was given to Gamarra; but, more fortunate than Do Rego or Blanco, instead of

being shot, he was only sent out of the republic, and ordered to betake himself to the republic of Central America, where there was quite as much confusion as he was leaving behind him. The first effects of the elevation of La Fuente and his party to power were, the instant conclusion of an armistice with Bolivar, and the surrender of Guayaquil to the Colombians—events which were represented as proofs that the revolution had been effected by Colombian influence, and for Colombian purposes. Thus, both in Peru and Bolivia, Bolivar seemed to have regained the authority of which the occurrences of last year had deprived him.

In Mexico, the election of a president of the republic in 1828, had produced a civil war between the adherents of Pedrazza, the successful candidate, and his opponent, general Guerrero. A revolt in favour of Guerrero, headed by general Santa Ana, had been apparently crushed, although its leader, with the remainder of his troops, still resisted the arms of the government in Oaxaca. The beginning of December had witnessed a more serious insurrection in the capital itself, which, for several days, exposed the city to pillage, and induced the president-elect, who filled the office of minister of war till the constitutional period for his installation into his new office should arrive in April, to flee from the city, leaving the public tranquillity to be cared for by his adversaries. Guerrero immediately assumed the vacant office of minister of war, and began to act with energy. Just at this period intelligence reached Mexico that the Conducta, with specie to the amount of more than 1,000,000 of

dollars had been detained at Puebla, and that the soldiers, to whose protection it was confided, had commenced the plunder of it,—the most flagrant breach of trust that, in the estimation of the Mexican people, could possibly be committed, and calculated, far beyond any other act, to destroy all confidence in the government under which it was perpetrated. Guerrero instantly repaired in person to Puebla, and by his presence prevented the plunder of the whole Conducta. As it was, the soldiery had carried off 190,000 dollars; but assurances were given by Guerrero that the government would not shrink from its responsibility for the safe delivery of the specie; and that whatever deficiency existed would be taken as a debt from itself, to be repaid to the merchants, by orders on the Custom-houses of Vera Cruz and Tampico. The party of Guerrero had been strong before; the flight of Pedrazza and his adherents at the very moment when their assistance was most wanted, and the activity and energy with which their successors were acting, strengthened the new government, founded though it was on acts of lawless violence, and military insubordination. The greater number of the states, desirous that power should be in hands capable of preserving public order, expressed themselves inclined to tolerate the government without questioning the mode in which it had been created.

By the 2nd of January, order was perfectly restored, and the Congress met. Much difficulty had been experienced in bringing the two legislative bodies together, many of the members doubting whether they could legally be con-

voked by a government which they could scarcely admit to have a legal existence—a doubt which seemed to be misplaced, as the president, the true and regular executive of the republic, still continued to act, his office not expiring till the month of April. In this temper, however, the consequences would probably have been new commotions, if Congress had been called to maintain the rights of Pedrazza, who, beyond all doubt, was legally president-elect, although a successful military movement had expelled both him and his partizans. But, this great obstacle to the permanent re-establishment of tranquillity was removed by a message from Pedrazza, on the 3rd of January, by which he resigned the presidency, and requested permission to leave the country. On the 6th of January the votes of the different states for president and vice-president having undergone a scrutiny by the Congress, were referred to a committee; and it was declared, on the 10th, that the election had fallen on Guerrero to be president, and on general Bustamente to be vice-president. In the nomination to the offices of the ministry which followed this event, Santa Ana, who had carried his attachment to the successful party the length of open rebellion, and whom this sudden revolution had relieved from a state of siege in Oaxaca, with a small body of desperate men, was appointed minister at war, and commandant general of Vera Cruz.

The result of these events was, to secure the ascendancy in the state to the high republican party. Their first act of power was, to bring into Congress a bill for the expulsion of all the old Spaniards

who still remained in the country, and who were suspected, though apparently without any just cause, of having brought about the election of Gomez Pedrazza, whose party was in favour of their remaining, that the country might reap the benefit of their capital and industry. Even if the charge had been true, the peaceable application of their influence to secure the appointment of a certain candidate, in the mode prescribed by the constitution, could be no crime deserving banishment. That they had committed no offence was proved by the very nature of this bill of pains and penalties; and the ruling party placed the policy of a measure apparently harsh and unnecessary, and likely to be injurious in its effects to the commerce, and consequently to the finances of the country, on a ground less plainly abhorrent to justice, when they maintained that it was necessary to the safety of the state, because the presence of these men, whose sentiments were presumed to be in all cases in favour of the parent country, formed the basis of all attempts to subvert the existing government. This was a consideration which derived great force at the time from the preparations that were going on in Cuba for a Spanish invasion of Mexico, which, in a few months, was actually carried into execution. The law of expulsion passed the legislative bodies, and was promptly acted on by the executive. In the law itself, 447 Spaniards, whose names were specified, were excepted from its operation, and power was given to the government to except an equal number throughout the whole extent of the republic.

On the 1st of April, Congress having assembled, general Guerrero

was installed as president, and delivered an inaugural speech, full of republicanism, but not very extravagant in its sentiments. The duty of government, he said, consisted in making the benefits of what he called the admirable system which the country had adopted, extend from the palace of the rich to the cottage of the labourer. "If we shall succeed in rendering the guarantees for personal security effectual,—if equality before the law overcome the influence of power and wealth,—if the first title amongst us be always that of citizen,—if rewards be granted exclusively to talents and virtue, we shall then have a republic, and it will be preserved by the unanimous suffrages of a people solidly free and happy. That oblivion of the past may assure future repose, is the wish of the valiant army; it is the wish of the people, tired of the evils which political fanaticism and intolerance have caused. It has been the practice of men, ambitious of power and command, to promise what they never wish to perform. Far from my character be such deceit. The nation is my sovereign judge, and you, the elected of the nation, must be my judges also." The session, which terminated on the 14th of June, was principally occupied in discussing various proposals for curing the utter poverty of the public treasury. The new minister of finance stated in Congress, that, in the revenue of the year ending in June, there was a deficiency of 3,000,000 of dollars, and that a much greater deficit was to be expected in the revenue of the current year. The expedient adopted was that of an income tax. Its imposition was violently resisted in Congress, for the people were

not accustomed to the pressure of direct taxation ; but a law was at length carried, laying a tax of five per cent on all incomes exceeding 1,000 dollars, and of ten per cent on those which exceeded 10,000 dollars. The amount of income was to be ascertained by the oath of the payer. The tax was not to be exacted at once, but paid in three instalments ; and two per cent of the whole sum raised in each state was to be applied to the particular expenditure of the state in which it had been levied. This attempt, however, to impose a direct tax turned out a complete failure. It was found impossible to enforce the law. Very few persons paid the tax, and with those who did, it was more a voluntary contribution to the necessities of the state, than obedience to a compulsory imposition. To have enforced the law would have produced revolt and insurrection, and these were consequences which no Mexican government could safely brave.

The treasury continued empty ; and in this state of debility the intelligence was confirmed, that the landing of a Spanish invading army on the Mexican territory might be daily expected. The government prepared for resistance with alacrity and energy, but want of money threatened to paralyze all its efforts. The preparations were made on so large a scale, that the estimate of the war expenses was between one and two millions of dollars monthly ; yet the exchequer contained none ; almost every branch of revenue had been already anticipated, and the income tax yielded nothing. The president, therefore, convoked an extraordinary session of Congress, which assembled on the 4th of August. He spoke to

them of the threatened invasion, and the necessity of providing for resistance in the following language :—" Citizen Deputies and Senators!—It surely was incredible that a nation like Spain, without efficiency, without decision, and without resources, should persevere in the mad attempt of effecting the re-conquest of Mexico. Present experience, however, proves the contrary ; and we know that the slaves of Ferdinand VII. have dared to profane the soil of our republic. Miserable men ! They forget that the Mexicans are always independent ; that they are acquainted with their rights ; that they know how to be free ; and that it is an insult to offer them the degrading condition of colonists, to which, in times less fortunate, they were reduced by a wretched adventurer in 1519. And that nothing might be lacking in the present circumstances of the country, the executive, with the advice and consent of the Council of Government, decreed the assembling of Congress in extraordinary sessions—having for its first and principal object, to provide such means as might be necessary in the departments of the treasury and of war. No determination could be more disheartening to those who seek at least to reduce us to slavery. Decision, patriotism, and resources, exist in the bosom of the republic ; the same system of government is the surest guarantee and the firmest support of our political existence. How has it triumphed in the nineteen states, the district, and the territories of the federation ! What power can destroy it ?"

The measures, however, which immediately followed, no less than that impossibility of executing exist-

ing laws which had rendered them necessary, contradicted all the grandiloquent wordiness of the president regarding the excellence and happiness of the form of government of which he was the administrator. A law was passed for exacting a forced loan of 2,800,000 dollars, to be levied on all the States of the Union, and to bear interest at four per cent. No exemptions were granted; foreigners, as well as natives, were included. Another expedient resorted to, was that of offering to the merchants licenses to import various articles, which had been under total prohibition since May, at a very low rate of duty, by which the government calculated on raising 4,000,000 of dollars; but not a single offer was made, the merchants fearing that their licenses would be revoked, or become of no value, on any change in a government, of which change—and sudden and forcible change—was the characteristic. These licenses to trade in prohibited articles could be granted only in virtue of a dispensing power. They were the result, accordingly, of a law which the government had possessed influence enough to carry, and which made the president an absolute dictator. Finding the difficulty of ruling with a divided and heterogeneous legislature, where separate interests presented obstacles to every great measure of public benefit, and to all energy of action, the executive introduced a bill conferring on them extraordinary powers over persons and property, and which placed both at their uncontrolled disposal. This was first brought forward in the House of Representatives, and lost; after which, according to the legal forms by which the proceed-

ings of the Congress are regulated, it could not be again renewed till the convocation of another session. The ministers, however, made a second attempt; and, exerting all their influence, carried it through both houses. Congress made only two amendments on it; the one, that no citizen should be condemned to death, or suffer banishment, without legal trial; the other, limiting the duration of the powers thus conferred to that of the war, and requiring all acts of the executive in the mean time to be laid before Congress on its first meeting afterwards. The uncontrolled authority given over property was displayed immediately in a very arbitrary act. In every country where slavery is recognized, the slaves are the property of the master as much as the soil which they labour; to take from him a slave is no less an interference with his property than to take from him a field or a house. Guerrero, however, armed with these "extraordinary powers" over the persons and property of the citizens, abolished slavery, and made all existing slaves free, declaring merely that the owners of the latter should be indemnified for the loss of their property, "so soon as circumstances might permit"—a period of compensation, which, considering the nature of the Mexican government, and the state of the Mexican finances, might be considered as infinitely distant.*

The expedition, which occasioned

* The following was the decree, dated September 15th, 1829:—

"Wishing to signalize, in 1829, the anniversary of our independence by an act of justice and of national benefit, whereby the greatness of the republic will be illustrated, and public tranquillity promoted, in conformity with the

all these alarms, and induced the Mexican legislature to trust the country, for a time, to the care of a dictator, had been prepared in Cuba, the only South American colony of any consequence which still recognised the authority of the mother country. The scale, on which it was fitted out, was so small, that, although it might provoke, it seemed scarcely possible that it could succeed. It had been suggested by general Barradas, the commander of the forces in Cuba, and he was placed at its head. The governor, the officers, and the inhabitants of Cuba were unanimously opposed to it, as a wanton expenditure of human life. Those, who wished to see the conquest of Mexico attempted in earnest, were disgusted at the feebleness of the attempt; for the force employed was much too small to encourage disaffected individuals in Mexico to hazard their interests on its success, as it could neither protect them, nor defend itself. Even the Spanish ministry would not give their authority to the measure; the order was finally communicated, it was said, not from the proper department, nor through the customary channels, but by the king himself directly to the commander, and that, too, in so peremptory a manner, that no remonstrance, or opposition could be made.

The expedition sailed from the

extraordinary powers which have been conceded to me, I decree—

“1. That slavery is abolished in the republic.

“2. That, consequently, all those who have till now been slaves become freemen.

“3. So soon as circumstances will permit, the owners of slaves shall be indemnified as far as the law provides for.”

Havannah on the 5th and 6th of July. It consisted of 3,500 effective men, conveyed in seven transports, and accompanied by a seventy-four-gun ship, two frigates, two large brigs, and two schooners, all of them well equipped. It appeared in the neighbourhood of Tampico, in the state of Vera Cruz, and the troops effected a landing without resistance, at Cape Rogo, on the 27th of July. On the 29th they marched from the coast to take possession of Tampico, which was garrisoned by a small number of troops, too insignificant to give battle to the invaders. On the 30th, they were molested by the attacks of a small party, which was unable, however, to stop their advance. Though thus warned that an enemy was at hand, the Spanish army advanced without any precaution, as if it had been in a friendly country, when a small corps of Mexican troops, which had lain in ambush with two pieces of artillery, and had suffered the Spaniards to approach within half-pistol-shot, suddenly made a discharge of musketry and artillery, loaded with grape-shot, which killed or wounded 95 soldiers and 10 officers. The vanguard was thrown into disorder, but the corps which followed advanced intrepidly; the Mexicans were obliged to retire, and the Spanish army continued its march to Tampico without any other disaster. The Mexicans, retiring into the interior of the country, destroyed all kinds of provisions, and even set fire to the villages, so that the country afforded the army no kind of resources. Barradas took possession of Old Tampico, otherwise called Pueblo Viejo, on the 3rd of August. On the 7th, he advanced as far as Tampico Tamaulipas,

which he entered, after losing about 50 men in driving from their position a body of 300 Mexicans who had taken possession of a rising ground, and strengthened it with four pieces of cannon. He then returned to Tampico, which he proceeded to fortify, feeling now that it was impossible for him to advance farther into the interior, until he should have received reinforcements from Cuba. La Garza, who commanded the Mexican force in this district, had gradually retired before the enemy, in consequence of his inferiority in point of numbers, and he now took a position in the neighbourhood of Altamira, a little farther up the river, from which he could both observe, and, as occasion required, alarm the enemy at Tampico. As the nature of the country where Barradas landed was such as to prevent any considerable number of troops from being suddenly drawn together, his march had met with no serious resistance; but at every step he had been opposed with spirit, and, if he had ever entertained hopes of being assisted either by desertion among the Mexican troops, or by disaffection among the Mexican people, these hopes had now disappeared.

The Mexican government in the mean time was bringing its forces to bear upon him, while his chance of being re-inforced was distant and uncertain. The best spirit seemed to animate all ranks; there were no outbreakings of revolt or disaffection; the states most adjacent to the scene of invasion sent out their troops with alacrity. As it had been unknown against what point the attack would be directed, no army was collected in any one place; but so soon as it was certainly known that the enemy had landed at Cape

Rogo, and that their intention, therefore, would be to advance by Tampico, Santa Ana, who, besides being minister of war, was governor of the state of Vera Cruz, in which the landing had been effected, drew together all the troops he could collect, and proceeded towards Tampico. Barradas, learning his approach, marched towards Altamira on the 17th of August, with the view of attacking and defeating the smaller army of La Garza, before he should have likewise Santa Ana on his hands. Finding the Mexicans posted in front of Altamira, he drove them from their entrenchments; and, on the following day, he entered Altamira without farther resistance, La Garza, however, still hanging upon him in its immediate vicinity.

Barradas did not long retain possession of Altamira; for Santa Ana, having arrived on the 19th of August at Tampico, separated by a river about a mile broad from Tampico Tamaulipas, the head-quarters of the Spaniards, and having learned that Barradas had marched nearly his whole army to the attack of La Garza, leaving only about 200 men, besides the numerous sick, for the defence of Tamaulipas, resolved to attack the latter position which this opportunity laid open to him. On the night of the 20th of August, he crossed the river, with 400 regular troops and some militia, notwithstanding the vigilance of the Spanish gun-boats, and had come within gun-shot of the fort unobserved, when his men discovered themselves by firing without orders. The alarm being given, he pushed for the shore, landed, and hurried, at the head of his men, into the town. The Spaniards had formed hastily in the square,

some of them being posted on the tops of houses, and at the ends of the streets, and received him with a brisk fire. Messengers, too, were instantly despatched to Altamira, to demand reinforcements from Barradas. The Mexicans were soon in possession of the whole of the town, with the exception of the square, into which the Spaniards retired from their other positions; and, being supported by the fire of a gun-boat stationed on the river, they there maintained an obstinate conflict from day-break till two o'clock in the afternoon, in hourly expectation of the appearance of assistance from Altamira. The governor, at length, sent out a flag of truce, and communications took place towards arranging the terms of a capitulation. They had not yet been settled, when Barradas came up with his whole army, and the state of things was immediately reversed. Santa Ana had never reckoned that La Garza would allow Barradas to accomplish a hasty retreat from Altamira undisturbed. "If general Garza" he wrote in his despatch of the occurrences of the day, "had attacked the enemy on his retrograde movement from Altamira, the 21st of August would have been the last of the existence of the Spanish army. But that attack unfortunately was not made." His own situation was now critical in the extreme. In his rear was a river a mile broad, separating him from his camp, and the great body of his army: in front was the enemy in numbers so superior as to render fighting an act of desperation: he was saved by the strange conduct of Barradas himself. The Spanish general, instead of immediately attacking, requested an interview with Santa Ana; and the inter-

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view ended in an agreement that Santa Ana should, on the one hand, deliver up the town which he was no longer able to keep, and on the other, should be allowed to retire undisturbed with his men to his camp on the other side of the river.

During the remaining days of August, no other active operations took place, but the situation of the Spaniards was daily becoming more desperate. Barradas; cooped up in Tampico, expected reinforcements in vain; while disease, heightened in its effects by scarcity of provisions, was thinning his ranks. Santa Ana's army, on the contrary, was constantly receiving new accessions of troops and artillery from all parts of the country, and had already grown to a strength which rendered hopeless the case of the invaders, even if their numbers had been much stronger than they were. Santa Ana, soon after the events of the 21st, had occupied Altamira with a strong body of troops under general Teran. He next directed that officer to take up a position between the bar and Tampico; and, this movement being effected on the 7th of September, all communication between the Spanish posts was cut off. A summons was then sent to Barradas to surrender, and 48 hours were allowed to him to come to a determination; but before the summons was notified, he hoisted the white flag, and sent a messenger to the Mexican camp, offering to evacuate the territory of the republic, and adding, that, for this purpose, he wished to enter into a treaty. The offer was rejected, and he was told that he must surrender at discretion. Next morning Barradas sent an officer with a second flag of truce, repeating the previous offer. The offer was

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again rejected. A suspension of arms was then solicited, and granted. Next day, a hurricane occurred which so swelled the river and lakes, as to destroy the redoubts and intrenchments of the Mexicans, and to place the men in considerable danger. The Spaniards, suffering equally from its violence, abandoned the fort at the bar, and betook themselves to the woods to escape from the fury of the storm. Santa Ana immediately marched to take possession of the fort; but, the storm having ceased, the Spaniards had re-entered it. The fort was then attacked, and, in a short time, the first line of entrenchments was carried. Night coming on, further operations were suspended; but the Mexicans retained the position they had gained. At sunrise, on the following day, the 11th of September, when the Mexicans were preparing to renew the assault, the Spaniards capitulated. By the terms granted to them, they were to deliver up their arms, ammunition, and standards, with the exception that the officers were to be allowed to retain their swords. The officers and men were to march to the city of Victoria, and there to remain, till transports should be provided to convey them to Cuba; and they, as well as their commander, were to give their solemn promise, never to return, or to take up arms against the Mexican republic. Tampico and its forts were given up on the two following days, and Santa Ana returned in triumph to Vera Cruz having achieved a victory which confirmed the irregularly and newly-acquired power of his party.

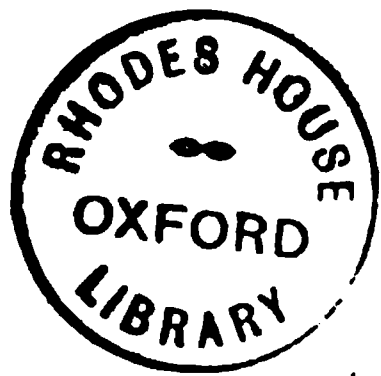
In GUATEMALA, or the republic of Central America, where civil war continued to rage within a territory,

the smallness of which made its miseries still more sensibly felt than in the larger states, the campaign of the present year gave the victory to the party who, taking their names from the city of St. Salvador, had long been struggling to drive their adversaries from the capital. On the 31st of January, the San Salvadorians, with an army of about 3000 men, commanded by general Morazan, formed the siege of Guatemala, occupying three different stations a mile distant from the wall. The siege continued for more than two months, in the course of which time numerous small engagements took place, and sallies were made. Success was generally on the side of the assailants, who thus gradually brought their works nearer and nearer to the town. On the 9th of April they attacked and carried the suburbs. From thence they opened batteries upon the town, and after a bombardment of three days, it surrendered by capitulation, on the 13th of April. Morazan assumed the administration of the government, till Congress should be convoked. His first act was to commit to prison the president, and vice-president, the minister of state of the confederation, and about eighty other persons, the most distinguished members of the defeated party. Congress assembled in the month of June; it elected Don Jose Francisco Barundia to be provisional president, and compelled him to accept of the office, though he had the good sense repeatedly to decline it. The case of the imprisoned members of the late government being next taken into consideration, Congress passed an act declaring that they had been guilty of high treason. Most of them,

however, were allowed to avoid a trial by voluntary expatriation, and the sacrifice of a third part of their fortunes to the new rulers. In no quarter even of South America, where every state seemed to have been sown with the dragon's teeth, could they expect to find less tranquillity, or to enjoy in a lower degree the comforts which spring from a stable government, and a well ordered frame of society. In this small territory, the devastations of war, and the siege of the capital, had reduced many opulent families to beggary, had put to flight all manufacturing industry and commercial intercourse, had annihilated all the restraints of law, and had fostered habitual excesses of crime and oppression. Morazan,

even when despotic master of the capital as a conqueror, requested re-inforcements from Salvador to enforce measures of local administration, called for by "the state of demoralization to which Guatemala had been reduced by civil war."— Amid such scenes national credit could have no existence. Guatemala had been able to negotiate a loan in the English market; it amounted only to 160,000*l.*; the interest even of this small debt had already fallen into arrear, and the interest of the present year, too, was allowed to lie over unpaid. The financial transactions of governments, since borrowing first began, present no instance of a national bankruptcy on so small a scale.

CHRONICLE.



CHRONICLE.

JANUARY.

FALSE IMPRISONMENT.

F—GUILDHALL, Jan. 8.—*Basham v. Sir William Lumley*.—Sir James Scarlett stated the plaintiff's case. The plaintiff was a resident in the island of St. George, one of the Bermudas. The defendant, sir William Lumley, the brother of the late earl of Scarborough, was an officer in the army, and, at the time of committing the act of which the plaintiff complained, was governor of the Bermudas. It had been usual for the churchwardens (who were appointed annually) to collect the rates made by the select vestry of the parish, and they were to account to the vestry for the monies they received. The time usually allowed for them to render their accounts and pay over the balance to their successors was thirty days after the time of their going out of office had expired. In consequence of an epidemic disorder which was prevalent in the year 1819, no assessment was made for that year, and consequently the churchwardens who came into office for the ensuing year had a double duty to perform. The plaintiff and a Mr. James Till were chosen churchwardens for the year 1820. They had to make collections not only for the current year, but for that of the former year, in which no rate had been made. They found it necessary, therefore,
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to have more time for getting in the monies than was usually allowed by the select vestry. That body held a meeting on the 1st of June, 1821, at which they came to a resolution directing that the whole of the monies in arrear should be collected; but, it appearing that those of the inhabitants who had not paid were persons of responsibility, it was determined to extend the time to sixty days, and the vestry then passed a resolution in these words:—"1st of June, 1821. —Pursuant to an adjournment of the 30th ult., the vestry met this day. Mr. James Till, one of the late churchwardens, presented to the vestry a statement of their accounts with the parish, and observed, that several persons had not yet paid their assessments, for which reason he requested to be allowed the term of sixty days from this date for the collection of those sums, and the completion of the churchwardens' accounts. The same was agreed to, and they were directed to give public notice in the *Bermuda Gazette*, that all persons who did not pay the assessments within ten days from that date, would be proceeded against as the law directs for the recovery thereof. They were also ordered to pay the following sums, so soon as they had as much funds in their hands; —To Mr. John Nowlen, for main-
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tenance of Thomas Flynn, 7*l.*; Mr. A. Holmes, for printing, 20*l.*; the committee for managing memorial to the throne, 30*l.*; Mr. J. Roxburgh, as voted the 17th of June, 1820, 20*l.*" This was the resolution passed at the vestry meeting of the 1st of June. With respect to the item of 30*l.* which the vestry had ordered the churchwardens to pay to the committee for managing a memorial to the throne, the fact was, that sir W. Lumley had, by some conduct of his, induced the inhabitants of St. George's Island to prepare a memorial to his majesty containing a complaint against him, which had reference principally to his having caused the soldiers to attend at the church, instead of having divine service performed at the barracks, as had been the custom before sir William came to the island. The preparation of this memorial had made some noise in the island; and, sir W. Lumley having determined to oppose the proceedings of the select vestry, attended at a meeting held on the 11th of June, and placed himself in the chair, though he was not a select vestryman, and had no right to interfere in their proceedings. The minutes which were made of this meeting were in these words:—"Parish of St. George, Monday, 11th June, 1821. The minutes of the vestry on the 1st instant were perused by the rector, who declared that he protested against the said proceedings ordering the late churchwardens to pay certain sums in their hands; he then produced a written document which he desired should be read, and was accordingly read by the clerk." By this it appeared that the rector had taken part with the governor, whose own language, as recorded at the meeting, was in these words:—"It

is my decided opinion, that, if the vestry of St. George's persevere in their decision of the 1st of June, they will commit a most illegal act. I shall cite them before me as ordinary, or in the Court of Chancery, and if they persist in the order to the late churchwardens, and the latter should obey it, I shall direct a prosecution against all parties in the Ecclesiastical Court; and the parishioners are hereby authorized to refuse the rate. The late churchwardens will be guilty of a fraud if they pay any monies for any purpose, to any persons whatever, except to their successors; and the actual churchwardens will be equally guilty of a fraud, if they dispose of any monies except for church purposes; and I am determined to punish the parties if such frauds are committed.

"WM. LUMLEY,

"Lt.-Gen. Governor and Commander-in-chief, and Ordinary.

*"Government House,
June 6, 1821.*

*"To the Rev. J. Lough, Rector of
St. George's."*

The minutes of the vestry meeting, in which this letter of the governor's was recorded, proceeded thus:—"Immediately after the above was read, his excellency sir William Lumley entered the vestry-room, and addressed himself to the vestry in language to the purport of the above note. Mr. James Till, one of the churchwardens, having declared that the sums of money ordered by the vestry, as above alluded to, had really been paid by him, his excellency observed, that he had acted illegally, and desired him, as one of the late churchwardens, to produce their accounts with the parish to him the go-

vernor and ordinary; and that they, the late churchwardens, should be allowed fourteen days from hence for that purpose, in failure of which a prosecution in the Ecclesiastical Court should be instituted against them. Mr. John Till then proposed to dissolve the meeting, which being seconded by Mr. Atwood, the several parties quitted the vestry." These proceedings having taken place on the 11th of June, the defendant, who united in his government the character of chancellor, and assumed also the power of acting as ordinary, and exercising other functions connected with the Ecclesiastical Court, proceeded to put in force his supposed authority, to compel the churchwardens to render their accounts, notwithstanding the extended time allowed them by the select vestry had not expired. On the 17th of July, while the plaintiff, who was an auctioneer, was engaged in selling by auction some furniture belonging to a gentleman lately deceased, a constable came to him and told him, that the governor required his immediate attendance at the vestry-room. The plaintiff replied, that he could not leave the auction then, but he would come when his business was over, which he thought would be in about two hours. The constable then went away, and, in a short time, returned with three soldiers, who assisted him in conveying the plaintiff to the vestry-room. The governor was there sitting as chairman. He addressed the plaintiff, and asked him whether he was prepared with his accounts. The plaintiff replied that he was not, upon which the governor told him that they must be produced. While the conversation was going on, Mr. Till, the other churchwarden,

came into the vestry-room, and the governor then required the accounts to be produced. Mr. Till said they were not in readiness, and that the sixty days allowed by the select vestry did not expire till the 1st of August. The governor, in answer, said, "That won't do; we must have them immediately." Mr. Till then told the governor that he and his brother churchwarden could not submit to the directions of his excellency, as they were bound to account to the select vestry alone. The governor denied that the select vestry had power to grant the time which they had allowed to the churchwardens, but expressed his willingness to give them a few days to produce their accounts. Mr. Till, however, insisted on having the whole of the time allowed by the vestry, and the governor then said, he would send them both to gaol, whence no power on earth could release them, and where they should remain till they rotted, unless they rendered the accounts. Having then come to the determination of committing them, he immediately produced from his pocket a warrant, which he had prepared, and having signed it, the parties were given in custody of the constable, who conveyed them to gaol. The gaoler, knowing them to be persons of respectability, was, in the first instance, induced to commit a little irregularity in their favour. For several days he allowed the plaintiff to go home after dark, as one of his children was ill, and his wife pregnant. The governor, however, having heard of this indulgence, issued an order prohibiting all persons from going out of the gaol after sunset, or before sunrise, and a sentinel was then posted at the

gaol gates to keep guard night and day. The parties remained in the gaol till the 1st of August, when, having rendered their accounts to the select vestry, they were released. The plaintiff was afterwards advised to bring an action against the constable who had arrested him, and another against the gaoler who had kept him in custody. A verdict, with 200*l.* damages, passed against the constable. A writ of error was then brought, and the governor, sitting in the Court of Error as chancellor, reversed the judgment. In the action against the gaoler, 500*l.* damages were given. He did not appeal to the Court of Error, and the reason was stated in a document which had issued from the governor, acting as chancellor. That document, was an injunction, in which it was recited that the gaoler had been unable to procure sureties to prosecute an appeal to the Court of Error, and that as the payment of the enormous damages recovered in the action at the suit of the plaintiff would effect his ruin by depriving him of his property, it was prayed that execution might be stayed, until the cause could be heard before some competent tribunal. The injunction was accordingly issued, and thus had the plaintiff been deprived of the benefit of the verdict which he had obtained.

The defendant attempted to show that he possessed the power of Ordinary, and had done nothing which he might not legally do in that character; but lord Tenterden was of opinion, that, even if he had possessed the jurisdiction of an Ordinary, he had exercised it in an illegal manner. The jury gave a verdict for the plaintiff, with 1000*l.* damages.

9. BODY-SNATCHERS.—UNION-

HALL.—A man named Huntington and his wife were charged with stealing the clothes of a man who died suddenly while walking along Walworth-common a few days before. The investigation of the charge exhibited an extraordinary instance of the manner in which dead bodies are procured for the purposes of dissection. From the evidence of Mr. Murray, the assistant overseer of the parish of Newington, it appeared, that, on the Monday preceding, the body of a man, who dropped down dead in that parish, was brought to the workhouse. On the Wednesday following, the prisoner, accompanied by his wife, attended at the committee-room in the workhouse, and, affecting great sorrow, represented themselves as nearly related to the deceased, and expressed a desire to have the body delivered up to them, adding, that they wished to have it decently interred at their own expense. The parish-officers made some inquiries relative to the applicants in the place where they resided, and heard nothing to their disadvantage; they therefore consented to deliver up the body to them, after the inquest was held upon it. The inquest was held on Thursday, and when it concluded, the prisoners again presented themselves at the workhouse, and demanded the corpse, which was then delivered up to them. Previous to the prisoners' departure, they told the parish-officers that the deceased was the female prisoner's brother; that he had come up to London from Shoreham, in Sussex, about four months ago, with 80*l.* in his pocket; and that he dissipated and squandered away the whole of the money in that short period. In fact, from the consistent statement

the prisoners had given, and the sorrow and anxiety they betrayed when they first made application at the workhouse for the body, the parish officers had not the slightest suspicion but that they were nearly allied to the deceased. On Wednesday night, however, in consequence of a quarrel that occurred between the two prisoners and another woman, relative to the division of the money which the corpse fetched, it appearing that it had been sold for eleven guineas at St. Bartholomew's hospital, the affair was brought to light, and ultimately led to the apprehension of the prisoners. An officer, on searching their lodgings in Southwark, discovered the clothes which belonged to the deceased, together with a great variety of implements, used by body-snatchers, viz. screw-drivers, wrenching machines for opening the lids of coffins, large and small gimlets, and other articles useful for such purposes. He also found instruments for breaking open the repositories of the living as well as those of the dead, for there were secreted under Huntington's bed a whole bunch of house-breaking apparatus, with skeleton keys, &c. of all sizes.—The prisoners were remanded both on the charge of stealing the clothes, and that of having burglarious instruments in their possession.

10. FIRE.—About 12 o'clock, noon, the Theatre Royal, Glasgow, was discovered to be on fire. The flames spread so rapidly, that, in a few minutes, the whole of the edifice was one burning mass. Notwithstanding the immediate arrival of the engines, all that could be done was, to prevent the flames from spreading to the adjoining houses; which was accomplished.

The fire, in the mean time, was raging throughout the whole of the theatre so furiously, that all attempts at saving the contents were useless, and, in the course of an hour, only the four outer walls remained standing. Not less than 1,500*l.* were lost in scenery, dresses, and other articles. The building itself was insured to nearly the amount of the purchase money. The roof of the New Exchange was several times nearly on fire; but, by the prompt exertions of those connected with the building, it was preserved. The whole of the corps dramatique were, at the moment of the discovery, engaged in rehearsing the play which was to have been acted in the evening, and, had it not been for one of the party who first discovered the flames, it was doubtful whether any one of the whole company would have escaped.—The origin of the fire was not ascertained.

12. PERJURY.—GUILDHALL.—This was an indictment at the prosecution of Mr. Pearson, owner of a coal-wharf on the Thames, against Thomas Munton, one of the coal-meters of the corporation of London, for perjury. The defence was conducted by the corporation. Munton, it appeared, was no favourite with the coal-merchants, and having got himself into a quarrel, at the plaintiff's wharf, on the 4th December 1827, the plaintiff and certain other parties were tried for an assault. Mr. Pearson was found guilty, Munton having sworn positively that he was present, and joining in the assault. For having so sworn, he was now indicted for perjury.

Mr. Edward Field stated, that he was concerned as attorney for Mr. Pearson on the trial for the

assault, and was present when the defendant gave his evidence in support of the indictment. Witness made a memorandum of what the defendant stated. He said, "Stainton, Buck, and Pearson, were taking part in the assault by setting the men on; they hustled me against the wall; the gentlemen were in and out; all the defendants were present; Mr. Pearson was there; they did it through him, laughing and using bad language." The defendant was asked what he meant by the expression "through him?" He replied, "By *through him*, I mean in consequence of his (Mr. Pearson) being there." He then went on to talk of the water being thrown upon him, and said that, after that, the defendants made a roaring noise. He was asked, if Mr. Pearson made a roaring noise, and he said, "Yes." He said the time the water was thrown was about a quarter to six o'clock.

Cross-examined by the Solicitor-general.—I recollect somebody swearing at the trial, that there was a person present at the wharf who bore a resemblance to Mr. Pearson. I know a Mr. Grelier, a coal-merchant. I don't think he bears much resemblance to Mr. Pearson. They may be about the same age, but I should think Mr. Pearson rather the oldest. The defendant was asked in his cross-examination, whether he might not have mistaken Mr. Pearson for Mr. Grelier, and Mr. Grelier was pointed out to him in court. Mr. Grelier was in attendance as a witness.

Re-examined.—No person except the defendant spoke to the identity of Mr. Pearson. When Mr. Grelier was pointed out to the defendant, he denied that he was

the person who had assaulted him. I had not ascertained at what time the defendant intended to fix the assault.

Mr. Michael Pearson, the prosecutor. I reside in Lanedowne-place, Brunswick-square. I was at Rutland-wharf on the morning of the 4th of December, 1827. The defendant was there. Something had been said by the men at the wharf about his conduct. He had occasioned interruptions to the business. The wages of the labourers depend on the number of waggons that are sent out. They are paid by the job. I had observed much dissatisfaction expressed by the men at the defendant's conduct, and I had in consequence given them orders not to molest him in any way. I left the wharf at about a quarter before five o'clock; on the 4th of December. There had been no disturbance or molestation at that time, that I was aware of. There had been quarrelling and swearing among the men, which I had endeavoured to check, but no water had been thrown. Mr. Martineau, Mr. Fellows, my partner, and my sister, were engaged to dine with me that day. I had seen Mr. Fellows immediately before I quitted the wharf, and I left him in the counting-house. The dinner-hour was six o'clock. I arrived at my house about ten minutes past five. Before I dressed for dinner, I went to my mother's, after I had been home to fetch my sister, who was not quite ready to accompany me, and I returned without her. My sister arrived before I had dressed. Mr. Martineau arrived about six o'clock. Mr. Fellows came a few minutes afterwards. We were about sitting down to dinner, when Mr. Fellows came. Up to

that time I was not aware of any disturbance having taken place at the wharf. I arrived there about half past ten, the next morning, and was not then in the least aware that any assault had been committed on the defendant. No other witness besides himself was called to prove that I was there. The defendant said, "Stainton, Buck, and Pearson were setting the men on; they hustled me against the wall. Mr. Pearson was there. It was through him that they made use of bad language." Upon being asked what he meant by "through him," he replied, "in consequence of his being there." He went on and talked about the water being thrown, and said the men made a roaring noise. On being asked whether Mr. Pearson made a roaring noise, he said, "Yea." He fixed the time at a quarter to six. The next morning I showed Mr. Field what I had written, and he said, "Your memorandum is more perfect than my own;" and he then destroyed his, and signed one which I wrote, he overlooking me. The one that I wrote was copied nearly from that which I had written before. The defendant was asked repeatedly, both in his first examination and his cross-examination, to identify me. All the particulars to which he swore, respecting my being present at the time the assault was committed, are false.

The mother, wife, and sister, of the prosecutor, confirmed his testimony as to the time at which he returned home on the afternoon of the 4th of December.—Mr. Fellows stated, that the prosecutor left the counting-house on the 4th of December at a quarter before five o'clock. Witness had seen the defendant at the wharf in the course

of the day. The men had been in a state of discontent the whole of the day, in consequence of not being able to do their work. Mr. Pearson and witness remonstrated with them, and told them not to touch the defendant. No assault or disturbance had taken place before Mr. Pearson left. It took place afterwards. There was a noise and laugh at the window of the counting-house. The clerk (Stainton) went out, and, on his return, witness asked him, what was the matter, and he said it was some nonsense with the meter. The noise was momentary. Stainton was out not a minute. Witness left the counting-house at ten minutes before six, and arrived at ten minutes after.—Charles Stainton, the wharf-clerk, confirmed the statement of Messrs. Pearson and Fellows as to the orders given by them to the men not to molest the defendant. He spoke also to the time of Mr. Pearson's leaving the counting-house, which he fixed at twenty minutes before five, and confirmed several other parts of the preceding testimony. He was one of the persons indicted and convicted, though he was not at the wharf at the time of the assault.—Wm. Higgins went down to the wharf about six o'clock on the evening of the 4th of December. Mr. Pearson was not there. The witness saw the throwing of the water at the time that Mr. Fellows and Mr. Stainton were in the counting-house.—James Grelier, was at Rutland-wharf on the 4th of December. Left there about ten minutes before five o'clock. There was no disturbance. The men were standing still for want of work.—John Grelier was at the wharf a short time on the afternoon of the 4th of December, and

left with his brother, the preceding witness, between four and five o'clock. He neither saw nor heard of any water being thrown.—Wm. Little, a labouring meter, went to the Rose and Ball public-house, in Bennett's-hill, in December, 1827, and saw the defendant there, who told him that he (witness) was going to a dangerous wharf (Rutland-wharf), and that he must take care what he was about. He said they were all a parcel of ———, and that Mr. Pearson was as bad as any of them. He added, "I have got him tight enough; I'll stick to him like bricks and mortar; I'll do him if I can." This was at the latter end of December, 1827. Mr. Mills, a printer in Gracechurch-street, was present.—John Mills confirmed the testimony of the last witness as to the words used at the public-house.—George Gregory saw the defendant about the first week in February last, and asked him how he got on with Pearson's concern? He replied, "Very well." Witness said, "I think you are wrong." He replied, "No; I am right." Witness said, "Mr. Pearson was not there." He said, "That is wrong." Witness told him he would do no good in the concern; to which he replied, that he would punish the thieves. He said he would stick as close to them as the shirts on their backs, and give them the bitterest pill they ever had. This was at the counting-house at Mr. Wakefield's wharf, in Upper Thames-street.

For the defence, fourteen witnesses were called, among them several members of the corn and coal committee, who all spoke of him as a meritorious public officer, and gave him a good character for integrity and veracity. The jury

found him guilty, but recommended him to mercy.

13. PREROGATIVE COURT.—*Langford v. Maberly*.—Mr. Wm. Leader, of Putney-hill, died on 13th January, 1828, leaving a widow, one son (then and still a minor), and four married daughters. His property was very large; the personalty amounted to nearly 300,000*l.*, besides a real estate worth about 100,000*l.* A will, dated in 1801, and a codicil, dated in 1817, had been revoked by a subsequent will, regularly executed, bearing date the 2nd of August, 1826, of which probate was taken shortly after the testator's death. The executors of this will were now called upon to shew cause why the probate should not be recalled, and other unexecuted instruments, propounded in the cause, proved instead of it. The deceased had secured to his four daughters, Mrs. Acland, Mrs. Crofton, Mrs. Luttrell, and Mrs. Dashwood, by their marriage settlements, 10,000*l.* a-piece, in trust for them and their issue. To Mrs. Acland he gave by bond an additional 10,000*l.* By the will of August, 1826, he bequeathed to his widow 1,500*l.* per annum, and a legacy of 1,000*l.* After bequeathing 10,000*l.* to each of his daughters, with the exception of Mrs. Acland, and some other legacies, the residue of the personal property, and all the real estate, was bequeathed to the testator's son, John Temple Leader, when he arrived at the age of twenty-one, who was to have an allowance of 1,000*l.* a-year till that period. By a codicil of the same date as the will, he directed that, in the event of his son's death before he reached his majority, the residue of the personal property, and all the real estate, should be

equally divided between his four daughters. In September, 1827, he became unwell with a liver complaint. Wishing to make a new disposition of his property, he had several interviews with his confidential solicitor, Mr. Langford, in December, to whom he gave instructions for an altered will, wherein a new executor was named; the sum of 5,000*l.* was left to Mr. Acland, and the same to his wife; one legacy of 2,000*l.* was increased to 5,000*l.*; the allowance to the son, during his nonage, was advanced to 1,500*l.*; the residue, in the event of the son's decease, was not to be divided amongst all the daughters, but one was to have 20,000*l.*, and the real estate was to go to the others; and some additional legacies were inserted. In the first draught, the legacies to the three daughters (excluding Mrs. Acland) were left blank; and previous to the second draught, the testator declared to his solicitor, that he had determined to substitute bonds for the amount, to be paid by his executors, and he directed that such instruments should be prepared. He also stated that his partner in a brewery, Mr. Attway, was about to pay him 30,000*l.*, which he intended to invest in the funds, and to settle upon his daughters and their families, by deed, in certain proportions; and in conformity to this arrangement, the deceased directed the omission of one of the legacies in the will. The draughts of all these instruments were settled by Mr. Langford, and fully approved by the deceased, when he saw him for the last time on the 4th of January. The deceased then said he could not execute the papers, because he had not yet received the 30,000*l.*

from his partner. He afterwards directed that a year should be allowed for the payment of his capital in the distillery concern, and five years for the payment of the capital he had in a glass-manufactory. The will was altered according to his directions, and Mr. Langford being out of town, his clerk attended the deceased, who approved of the draught, but said that the execution might be delayed till the return of Mr. Langford, and desired the instruments might not be engrossed. The clerk, however, perceiving the state of the deceased's health, thought it prudent to get them engrossed. The deceased grew worse. On the 11th he was alarmingly ill; on the 12th he was better; on the 13th he was evidently sinking, and, having asked Mr. Fisher, the medical attendant, if it was the 17th January (when the 30,000*l.* was to be paid), the latter inquired if he had any thing to do. The deceased replied he had some papers to sign. Mr. Fisher said he had better not defer it. The deceased observed, "I understand you;" and called for the papers at Mr. Langford's. The will was brought to him; he attempted to sit up, but was unable; a pen was given to him, and he was lifted up in the bed, but at the very instant he was about to sign the paper, he expired. Under these circumstances, the Court was called upon to say what instrument or instruments were entitled to be considered as the will of the deceased.

Sir John Nicholl, in giving sentence, observed, that it was not possible to state an instance in which execution of a will had been more clearly prevented by act of God. Throughout the whole transaction the deceased had shown

a decided adherence to the arrangements he had made. It was clear that the bonds constituted a part of those arrangements, and it was as much his intention at the time of his death to execute them as his will. With respect to the question whether these bonds were to be considered as testamentary instruments, it was the settled law, that instruments containing a disposition of property after death, whatever be their form, were proveable. Scotch conveyances, deeds of gift, marriage articles, and promissory notes, had, on this ground, been held to be testamentary papers. It was clear that it was the deceased's intention to leave legacies to his daughters in the form of bonds; they were therefore to be considered as testamentary instruments, and the mere want of execution did not invalidate them. The unexecuted will and the bonds, therefore, on the ordinary principles of the court, contained the will of the deceased as to his personal property. The testator would have executed the bonds as well as the will, if he had not been struck with death, and he would not have deferred the execution merely because Mr. Attway had not paid the 30,000*l.* If Miss Losack had lost her legacy, the court was sorry for it; but neither this circumstance, nor that of Mrs. Acland's getting 5,000*l.* more than the other daughters, afforded any reason why the court should reject the papers. Upon every view of the case, and after a full consideration of a question in which property of such extent was involved, as well as the interests of a minor, the court, governed by legal principles, must pronounce for the papers now propounded as together

containing the will of the deceased.

14. INQUEST.—An inquest was held on the body of a person named James Allen, aged 42, who had been killed by a log of wood falling upon him. He had expired on the way to the hospital, and, on the examination of the body by the medical gentlemen, it was found to be of the female sex. One of the witnesses stated, that he had worked with the deceased almost constantly; he had a very weak voice, and was without a beard or whisker. The witness always understood he was a married man, and had been so upwards of twenty-one years. Within the last six or eight months the sex of the deceased was doubted, and people, who knew him, considered him an hermaphrodite. The wife was a very industrious, hard-working woman; but she and the deceased did not live upon happy terms—he used her ill. They had parted two or three times, which was on account of the deceased being jealous.

Jane Daley deposed, that she had known the deceased and the female who passed for his wife a number of years; witness never doubted the sex of the deceased till about eight months back, when his wife said, she was sure her Jemmy "was not a proper man." He—the woman-husband—treated his wife very ill at all times, and witness often advised her to leave him, as a worthless good-for-nothing thing, who was not a quarter of a man. She was not aware of the cause of the deceased and the female living together so long as man and wife, but was sure they were married. She had seen the certificate; the ceremony took place at Camberwell church.

15. FORGERY BY A BLIND MAN.

—OLD BAILEY.—John Hunter was indicted for causing and procuring to be forged an acceptance to a bill of exchange for 50*l.*, purporting to be the acceptance of George Henry Hunter.

Mr. James Morley examined.—I have known the prisoner for many years; he called on me in November last, and asked me if I knew of a house and shop to be disposed of; I gave him the address of one I had in the neighbourhood; he went to look at it, and returned the same day, and said it would exactly suit him. He then proposed to give a bill of exchange for 40*l.*, the amount which I asked for the shop. He said that the bill would be the acceptance of his cousin, George Henry Hunter, esq., a respectable merchant in Cateaton-street, city. I told him I should prefer seeing Mr. Hunter before taking the bill, and prisoner thereupon proposed that we should go together to his cousin's the next morning. When we went, we were informed that Mr. Hunter was not at home, and, on the prisoner's asking what time his cousin would return, a person in the office said, "Not before one o'clock." The prisoner came again in the afternoon, and informed me that he had seen his cousin, who had agreed to accept the bill on the following morning. Prisoner then proposed to get a stamp, and that I should draw on Mr. Hunter for 50*l.* instead of 40*l.* as he wanted the difference, and he offered to take it and get it accepted himself. I gave him the bill, and he shortly after brought it back with an acceptance upon it, purporting to be that of Mr. George Henry Hunter. I gave him the 10*l.* difference, and said he would get possession of the

shop in two days. I asked the prisoner to endorse the bill. He requested me to put his mark on it as he could not then see to write. I passed the bill to a Mr. Hale, in Judd-street, but it was returned as a forgery. When it was presented at the counting-house of Mr. Hunter, he disclaimed it. I got the house and shop back again, but was obliged to pay a second time for them, as the prisoner had disposed of them after he had gotten possession. I did not know that the prisoner was blind. He could not have been so, as he saw the money when he placed it on the counter. The prisoner is a musician, and I knew that he was near-sighted.

Mr. George Henry Hunter examined.—Is a warehouse-man in Cateaton-street. Had known the prisoner at the bar many years; was a third cousin of his. The acceptance to the bill of exchange now produced is not witness's handwriting, nor did he give the prisoner at the bar any authority to accept the bill in his name. When it was first presented for payment, witness was staggered, and did not know what to say. He accordingly then declined giving any answer. He never promised to give the prisoner a bill, if he could procure a place to commence business; but he had promised to assist him, and should have fulfilled his word. The prisoner has not been blind since his birth, but he has been very near-sighted, and obliged to grope his way about. He could not read nor write, and was brought up as a blind musician, under Mr. Purkis, who is also blind. He thought that, from his manner of life, he could have had no knowledge of bills of exchange.

Joseph Jackson.—The prisoner applied to him in the beginning of

December, to write his name across the bill for him, as he was nearly blind: asked him his name, and he replied "George Henry Hunter." The acceptance on the bill of exchange produced is witness's handwriting;—had written something for the prisoner before. When witness asked him to put his mark to the acceptance, he said he would do that in the presence of the person to whom he was to give the bill. On leaving the shop, he said he was much obliged to him, and would become a customer of his, as he was going to reside in the neighbourhood. Did not think the prisoner's application extraordinary, as he had the appearance of a blind man, or nearly so.

The prisoner, when called on for his defence, admitted that he had got Mr. Jackson to accept the bill for him; but said he did not know what he was doing at the time. The learned Judge, in summing up the evidence, directed the attention of the jury to that part of the evidence by which it appeared that Mr. G. H. Hunter had made promises to the prisoner of assistance; to the apparent ignorance of the prisoner in bill transactions, and his seeming candour in taking the prosecutor to Cateaton-street. If the jury could infer from all this that the prisoner conceived himself authorized in using the name of his cousin, and had no intention of committing a fraud, they would acquit him; but if they could not come to this conclusion, then they were bound to find him guilty. The jury, after some deliberation, found the prisoner *Not guilty*.

16. ENTHRONEMENT OF THE BISHOP OF LONDON.—The Cathedral was filled at an early hour with a crowd of people to witness

the installation of Dr. Blomfield. The Doctor arrived at the Chapter-house at half-past ten o'clock, where he was met by Dr. Copleston, Bishop of Llandaff, and Dean of St. Paul's; by the prebends and canons of the cathedral; by Dr. Lushington, chancellor of the diocese; and by the registrars, and other officers, who were to form part of the Episcopal procession. After his lordship had taken the oaths of office, he proceeded with his train to the cathedral, entering it by the grand western entrance. About the same time the Lord Mayor, Mr. Alderman Venables, and some other of the civic authorities, arrived in state, and took their seats in the places allotted them in the choir. After the bishop of Llandaff had placed Dr. Blomfield in his throne, the different members of the procession took the seats which had been previously allotted them, and the morning service was performed to the end of the first lesson. The bishop of Llandaff then left his stall, and, going up the choir to the bishop's throne, conducted him to the episcopal stall, opposite to that reserved for the lord mayor of London. He then installed his lordship in the following form of words:—

"I, Dr. Copleston, of the cathedral church of St. Paul, do induct, instal, and enthrone you, the right rev. father in God, Charles James, by divine permission, bishop of London, into the bishopric and episcopacy of London, and the Lord preserve thy going out and coming in, from this time forth for evermore, and mayst thou remain in justice and sanctity, and adorn the place thou art delegated to by God. God is powerful, and may he increase your grace."

A prayer was next recited for Dr. Blomfield as lord bishop of the diocess, and this concluded the ceremony of his induction. The morning service then proceeded as usual to the end of the litany, and, as soon as it was finished, the procession returned to the Chapter-house, where the dean and other members of the church acknowledged all due canonical obedience to the lately installed bishop. His lordship, in return, thanked them for their attendance, and trusted that they should long have mutual intercourse for the benefit of the church. His lordship, after receiving their congratulations on his accession to the bishopric, returned to his own residence.

16. OLD BAILEY.—Benjamin Barrup, aged 26, was indicted for an attempt to kill Mary Mortlock, by shooting her with a pistol; and he was also charged under the coroner's inquest with the wilful murder of the same Mary Mortlock.

A watchman deposed, that, on the night of the 17th of December, he saw the prisoner and the deceased in Crawford-street, coming towards him on the opposite side of the way. They made a stop, and he saw the flash and heard the report of a pistol. The deceased screamed and ran across the way. He went up to Barrup and seized him. Barrup said, "I am your prisoner. I did it. There's the pistol, take it up." The prisoner appeared to have been drinking, but was quite sensible.—Another watchman corroborated the evidence of the preceding witness.—A labourer, who came up whilst the prisoner was in custody of the watchman, heard him express a hope that he had done the deed effectually. He also said, that, if

he had another pistol, he would serve himself the same.

The night-constable of St. Mary-le-bone watchhouse also proved, that the prisoner admitted having shot the deceased. He subsequently seemed affected, and asked how "his Mary" was.

The deposition made by the deceased ten days before her death, was then read. It stated that the deceased first saw the prisoner in Covent-garden theatre. She met him on the following day by appointment; she saw him several times after, and again on the night when the transaction took place; they visited several public-houses together, and the prisoner became somewhat intoxicated. The deposition concluded by stating that she did not know by whom she was shot.

Mr. F. Goodyear, one of the surgeons to the Marylebone infirmary, deposed, that, when the deceased was brought to the infirmary, her face was darkened by spots of gunpowder, and there was a wound on the left side of the nose, which extended two inches across the cheek. The bullet was on the surface of the bone. He did not apprehend any danger at first, but fever afterwards came on, and he had her deposition taken by a magistrate.

Mr. Justice Park examined this witness with great minuteness, and the result of his testimony went to show, that in his opinion the wound was not the proximate cause of the woman's death. She was labouring under an inflammation of the chest, and fright and a cold had accelerated her death. The disease, he stated, was such, that, in his judgment, the woman would have died, if the wound had not been inflicted. The deceased had been predisposed to take cold from the

fright, and all the circumstances had acted in conjunction. The cold was not produced by the pistol-shot, which was only a remote cause of death.

The case for the prosecution being closed, Mr. Justice Parke told the Jury that they must acquit the prisoner, as the indictment stated that the wound was the immediate cause of death, and the evidence left great doubts of the fact.

The jury then returned a verdict Not guilty.

The judge then directed that an indictment should be framed against the prisoner, for feloniously shooting at the deceased, with intent to do her some grievous bodily harm. On this new indictment he was tried on January 20th, and found guilty, an attempt to prove insanity having failed. He made the following defence:—

“My lords, and gentlemen of the jury,—Many persons before myself have stood in the awful situation in which I am now placed, but perhaps no one under the same perplexed circumstances that I appear. Although I have the life of a fellow-creature to answer for, I solemnly declare that I never had the least intention of injuring any other person than myself. I have been for some time past in a very unsettled and distressed state of mind, arising out of pecuniary disappointments and family disputes, and those matters had so unsettled my reason, that I looked forward to an act of suicide as the only resource left me. This, my lords and gentlemen, I had meditated for some time, and have more than once expressed my intention indirectly to some parts of my family, and this long before my unfortunate meeting with the deceased, against whom I declare I never had

any sort of hostility. I never, my lords, had the least dispute or difference with her (M. Mortlock), nor could I have any possible reason for seeking to do her the least injury, and much less to deprive her of life in so shocking a manner. I came to town on this day with the intention of using the pistol against myself, and endeavoured to borrow from intoxication resolution for effecting my purpose. Of the fatal transaction I have no recollection. However, my memory sank under the influence of the excess of liquor I had drunk, so that I do not recollect of the occurrence; but I am certain that I could not have meant to destroy the deceased. I consider that I must have intended to carry my original intention into execution against myself, and not have destroyed an innocent and unoffending person. My lords, the deceased herself in her deposition bears me out in my statement, that no dispute or angry words had ever occurred between us, and that all had been in perfect good humour, even up to the very moment when the pistol was so fatally discharged; and I may hope, perhaps, not to be considered so lost to every thing connected with humanity, as that without any sort of provocation to have committed so dreadful an offence. Tired of life as I have been, and awfully situated as I now am, I resign myself into your hands with the most implicit reliance on your justice and humanity, only troubling you further, by assuring you of the deep and endless regret which I shall ever feel, while any sense remains to me, at having been the means (though quite unconsciously) of terminating the existence of the unhappy victim of my lamentable phrenzy.”

17. **INSANITY.**—Mrs. Imeson, of Aldermanbury, in consequence of a malady incident to child-birth, had been for some time confined in a private asylum. Being apparently fully restored, she returned home. Her four children were absent among her friends; and as she seemed inclined to lowness of spirits, her husband brought home the youngest child, a girl five years old, the favourite of the mother. On the morning of the 17th Mr. Imeson went out, having neglected to lay aside the razors which he had been using, and scarcely had he left the room when she secured them, and secreted them in the bed-clothes. She then desired the servant maid to send up the child to her bed-room, where she would clean and dress her, and afterwards take her out to walk. The child was sent up, and, a short interval having passed, the maid having some occasion to go to the apartment, discovered the child lying on the bed, with her head nearly amputated, and the mother stretched near her with a deep incision in her throat, from whence the blood was flowing profusely. Surgical assistance was immediately sent for, but before it arrived, the child had breathed its last. The mother survived. The effusion of blood restored her senses, and she gave, at intervals, the following account of the catastrophe:—She said that, on her husband leaving the bedchamber, she perceived the razors lying on the dressing-table. Scarce had she seen them when an anxiety or an inspiration, as she herself called it, seized her to send for her darling and release her from the troubles of life. With this intention, and her delusion still continuing, she sent for her; and having washed

and combed her, and kissed her affectionately, she placed her on the bed, and drew the razor across her throat. Hardly had she done so, and perceived the blood flowing, when the delusion passed away, and she became sensible of having deprived her child of life. Remorse immediately followed, and not able to endure the reflection, she had sought relief in self-destruction. The coroner's jury found that the child had been killed by its mother while in a state of insanity.

19. **WITNESS.**—**OLD BAILLY.**—Daniel Heath, alias Lloyd, a young man of respectable appearance, was indicted for intermarrying with Margaret Evans, in the month of September, 1826, his former wife being then alive.

Thomas Ayling, a person of very gloomy appearance, being called to prove the marriage, Mr. Adolphus directed the officer not to administer the oath to this witness until he (Mr. Adolphus) had asked him a question or two, relative to a matter of importance. (To Ayling.)—Do you believe in a God?

Ayling.—I do not consider that I have a right to answer that question.

Mr. Adolphus.—But you must; and I now ask you again; do you believe in a Supreme Being?

Ayling.—I do not believe in God, nor that there is a place where future rewards are dispensed or punishments inflicted.

Mr. Adolphus then submitted that this person could not be sworn as a witness in a Christian court of justice.

The learned judge said, the party could not be sworn after making such declarations as to his disbelief in Christianity.

19. **CONSPIRACY.**—**OLD BAILLY.**—William Johnstone was in-

dicted for traitorously colouring a half-crown and a shilling made to resemble the current coin of the realm

It appeared from the evidence that the police-officers, in consequence of information they had received, proceeded to No. 10, Earl-street, Seven Dials, and burst into the garret, where they found the prisoner with all the materials for colouring about him, and in the act of rubbing a counterfeit half-crown. The prisoner on seeing the officers exclaimed "Oh God! I have been trepanned!" A counterfeit shilling was found in his pocket. From the cross-examination of Limbrick, the officer, it appeared that the person, who gave information to the police, was employed by the Mint for that purpose. Limbrick gave him a shilling for his information. When he went to apprehend the prisoner, he found the street-door open.

Mr. Powell, the assistant-solicitor to the Mint, said, the person, who gave the information in this case, came to him of his own accord. He was not employed by the Mint to hunt after persons, or encourage them in the commission of crime.

Cross-examined.—He saw the informant about half a dozen times before the prisoner was apprehended. It was in consequence of an arrangement between the officers of the Mint and the informant, that the particular period of the prisoner's apprehension was selected. This witness being asked whether money had been paid to the informant, besides the shilling which Limbrick had given him, in respect to this transaction, appealed to the court as to whether he should answer the question.

Sir J. Park consulted with Mr. Baron Vaughan, and said the question might be put.

Mr. Powell then said, that he had paid the informant 5*l.* since the prisoner's apprehension. The man had lost a great deal of time. The superior officers of the Mint knew that money was paid for information.

The foreman of the jury asked, whether Mr. Powell had any reason to suppose that the 5*l.* he had paid to the informant would be disallowed by the superior officers of the Mint? Mr. Powell replied, certainly not.

The Prisoner, in his defence, said, that the person, who had given information to the Mint, brought all the materials for colouring and the false coin into his room, and asked him to assist him. He then said, he would get some more silver colouring and went out, taking the prisoner's key with him. About ten minutes after he was gone, the officers burst open the door. He concluded by begging that his life might be spared, and said that he would cheerfully submit to any other punishment.

Several respectable witnesses proved that they had employed the prisoner as a smith for several years past, up to within a short time before his apprehension; and they all gave him a good character for honesty, industry, and sobriety. The prisoner's landlord said, that the prisoner paid his rent regularly until about a week or two before his apprehension. In answer to a question from the court, he said that his street-door was always kept shut.

Justice Sir James Park briefly addressed the jury. If they believed the prisoner's defence, and it had received corroboration from some circumstances, he had been betrayed into the commission of the offence by the wicked and diabolical act of another. The fact of

the police-officers having found the street-door open, which the landlord said was usually kept shut, looked very much like contrivance. It was impossible that any person in the prisoner's humble station of life could receive a higher character than had been given to him, and that was a circumstance which ought, if the jury entertained any doubts as to the evidence, to benefit him. The jury immediately returned a verdict of *Not Guilty*.

20. DETERMINED SUICIDE.—On the evening of the 20th, Mr. J. Knight, of Worcester, called at the house of a former acquaintance in that city, whose son refused him admittance, as his father had forbidden him the house. Knight, however, persisted in going into the shop. In reply to a question of what he wanted, he answered that he came there to destroy himself; then drawing a pistol from his pocket, he placed it to his ear, and twice struck down the lock, but the pistol did not go off. Thus frustrated, he next produced his razor-case, which was snatched at by the mistress of the shop, but she obtained possession of the lid only, with which she ran into the parlour. As soon as her back was turned Knight opened one of the razors, and exclaimed, "here goes;" but, upon a person named Young, who had been sitting in the parlour making his appearance, and remonstrating with him on the impropriety of his conduct, he burst into tears, and shut up the razor. Young having left the shop, Knight asked the lad to put out the candle; he refused to do so, when he immediately extinguished it himself; and, in the short interval of time occupied by the boy in going for another light, he consummated his purpose. On returning, the boy

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found him reclining against a package of bags, grasping a razor in his right hand, and blood gushing from his throat. He had divided the internal jugular vein by a gash four inches in length; and died within half an hour. The coroner's jury returned a verdict of "*Felo-de-se*." At 12 o'clock the same night, in accordance with the present law applicable to such occurrences, the body was interred without funeral rites, in the burial ground near the House of Industry. The deceased was 51 years of age, and had a wife and several grown-up daughters. In the course of the inquiry before the jury, nothing transpired to explain the causes which could have prompted him to the commission of this deed.—*Worcester Herald*.

EPSOM GRAND STAND.—The ceremony of laying the first stone of a grand stand on Epsom Downs, took place on the afternoon of the 21st, in presence of a great number of gentlemen connected with the sporting world, and others. The spot fixed on for the edifice, which is to be on a more magnificent scale than the stand at Doncaster, is at a short distance from the Prince's stand, and nearly opposite to the Stewards' booth, commanding a full view of the whole of the race-course: the elevation is to be precisely similar to the stand at Doncaster, and will embrace apartments for his majesty (the outline of which has been forwarded to Windsor for his majesty's approval), a spacious saloon, refreshment-rooms, and other conveniences. The ground plan of the building embraces 180 feet in length, and 60 in depth.

21. INSOLVENT DEBTORS' COURT.—Ralph Fellowes, grocer and tea-dealer, was opposed by Mr.

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Benjamin Armstrong, his landlord, who stated that the insolvent owed him a quarter's rent, and still kept the key of the premises. A fortnight before the insolvent went to prison, witness was at the shop and saw a good stock of goods of all kinds in it, and every prospect of a fair business. In explanation the insolvent said, he had very little stock in trade, for all the great appearances in the shop were merely *dummies*, which had the appearance of loaves of sugar, &c.; as for the bowls of tea exhibited in the window, all the bowls had false bottoms, and only the surface was covered with tea. These *dummies* were regularly sold to shopkeepers for the purpose, and are in common use. The sugar-loaves again were merely pyramids of wood. When he went into the house, he had no capital; since then he had contracted debts to the amount of 700*l.* or 800*l.*, and about 200*l.* were owing to him. Mountain, a gentleman's servant, was called for the insolvent, and he proved having lent 30*l.* to him, for which he received the lease as a security. Mr. Hobbs, a pawnbroker, was also called to prove the *bond-fide* purchase of the insolvent's stock-in-trade—indeed, he said, it could hardly be called a stock, for there was nothing but *empty boxes and dummies*, a very little coffee, and some sugar. The witness added, that he had all the articles still, and he would be glad if he could get his nineteen guineas back for them; he did not know so much of the *tricks of trade*, otherwise he would have had nothing to do with the purchase. The insolvent owed the witness altogether about 120*l.* The Chief Commissioner.—The insolvent deceived you then? Witness.—My eyes were certainly deceived as to

the stock. The court declared the insolvent to be entitled to his discharge, on delivering the key of the premises into court.

21. *Common Pleas.* — JOINT STOCK COMPANIES. — *Lane v. Wickey and others.*—This action was brought by the plaintiff, formerly Secretary to the Imperial Distillery Company, to recover the amount of his salary for nine months at the rate of 500*l.* per annum, from the defendants, who were shareholders.

Mr. Sergeant Taddy, in defence, stated, that he should prove that the defendants were turned out of the company by the plaintiff, in consequence of the defendants not advancing the third instalment of 5*l.* per share. A letter was put in and read, which stated, that, if the defendants did not come forward and pay the instalment of 5*l.* per share, they would not be entitled to any profits arising from the speculation in which the company was engaged. Mr. Sergeant Wilde, in reply, said, the directors had not carried the threats used in the letter into execution, and therefore the defendants were not released from their liability.

The Lord Chief Justice said, the question was, were these persons partners? It appeared they became shareholders in the middle of June, 1825, and if this speculation had gone on prosperously, they would have been entitled to a share of the profits during the time they continued partners. For the defence it was alleged that the shares were forfeited; but, as the law stood, if the other partners waived the right of forfeiting the shares, then the defendants remained partners. The jury returned a verdict for the plaintiff.—Damages, 375*l.*

28. EXECUTION OF BURKE*.—

This morning, pursuant to his sentence, this monster was executed at Edinburgh. The crowd was great beyond all former precedent, and covered the street from the Castle-hill to the Exchange. Bank-street was also crowded, as well as the large area at the end of the church, where any view could be obtained. Every situation, in short, that could command a view of the scaffold, was occupied. There were spectators even on the top of some of the highest houses. The windows at the back of the Writers' libraries, and particularly the windows in Libberton's Wynd, from which Burke could be seen as he was advancing to the scaffold, were crowded to excess. All the windows along the street were filled; and such was the general and ardent curiosity to obtain a sight of this criminal, that there were several well-dressed females in different houses in the Lawn-market. There were some spectators also on the top of the new north church.

Such was the anxiety to secure a place from which to witness the execution, that so high a price as a guinea was paid for one window, while some were disposed of by retail at the rate of 2s. 6d. for permission to have a look. Placards were displayed in the neighbourhood of the scaffold, of "Windows to let," even up to the sixth and seventh floors. Crowds of people continued to arrive, not only from all parts of the city, but from all the neighbouring towns; and, by eight o'clock, there were certainly not less than twenty thousand persons within view of the scaffold, among whom were an un-

usual proportion of females. During the night, Burke stated that he was happy that he had at last been arrested in his career of crime, and brought to justice. Though he had been a great offender, yet he rested on the atonement of the Saviour for salvation. When the irons were knocked off, he exclaimed, "Thank God these are off, and all will be off shortly." Shortly after eight o'clock, the procession set out for the place of execution. The magistrates, with a party of town officers, first ascended the scaffold; and they were followed by Burke, supported by the two Catholic clergymen. He was dressed in decent black clothes, and was perfectly firm and composed. The moment he appeared, the crowd set up an appalling shout, which continued for several minutes. The murderer and the Catholic clergymen then knelt down, and spent a few minutes in devotion, and the religious exercises were concluded by a prayer from the rev. Mr. Marshall. During the time, a deep silence prevailed among the assemblage, but the devotions were succeeded by vehement cheering from every quarter, mingled with groans and hisses. When the cheers had subsided, the wretched man was assailed with every epithet of contempt and abhorrence. As soon as the executioner proceeded to his duty, the cries of "Burke him, Burke him,—give him no rope." and many other similar exclamations, were vociferated in voices loud with indignation. Burke, in the mean time, stood perfectly unmoved, and gazed around, until the cap was drawn over his face, and shut the world for ever from his view. The executioner having completed his preparations, and

* See his trial in last vol. p. 365.

placed the signal in Burke's hand, the magistrates, ministers, and attendants left the scaffold. The crowd again set up another long and loud cheer, which was followed by cries for "Hare, Hare,—Where is Hare?—Hang Hare," and so on. Burke lifted his hands and ejaculated a prayer of a few sentences, then dropped the napkin, and instantly the drop fell. The struggle was neither long nor apparently severe; but, at every convulsive motion, a loud huzza arose from the multitude, which was several times repeated, even after the last agonies of humanity were past. During the time of the wretched man's suspension not a single indication of pity was observable among the vast crowd: on the contrary, every countenance wore the lively aspect of a gala-day, while puns and jokes on the occasion were freely bandied about, and produced bursts of laughter and merriment, which were not confined to the juvenile spectators alone. "*Burke Hare too!*" "Wash blood from the land!" "One cheer more!" and similar exclamations, were repeated in different directions, until the culprit was cut down, about nine o'clock, when one general and tremendous huzza closed the awful exhibition; and the multitude immediately afterwards began to disperse.

29. COMMON PLEAS. — THE RING.—*George v. Jackson*.—This was an action brought by Mr. Edward Wright George, an attorney, against the defendant, who resides in Yorkshire, to recover a sum of money for the maintenance of the defendant's son; and also for money paid for medicines and medical attendance on his account.—A witness, named

Glover, who described himself as a gentleman farmer, stated, that he, at the request of young Jackson's mother and with the approbation of the father, wrote a letter to the plaintiff, in reply to one received from him, acquainting the defendant with his son's illness, in which he thanked the plaintiff for his attention to the young man, and requested him to procure proper medical advice and attendance for him, for the expense of which he (defendant) would be responsible. In cross-examination Glover said, he had no bets upon young Jackson.—William Dunn stated, that the defendant informed him of his son's illness and that he had had a letter written to Mr. George, desiring every attention to be paid to him. Upon which witness observed to him, "Then you will have to pay." The defendant replied to be sure I shall." In his cross-examination, he said he did not know that he had been playing at pitch at the blacksmith's or joiner's shop. The letter above referred to was then put in and read. It was dated from Newsam, Feb. 4, 1828.—H. S. George stated, that he was a surgeon, and brother to the plaintiff. He recollected young Jackson's illness last year. He laboured under typhus-fever, and was seriously ill for five or six weeks; during all that period he required constant medical attention. His brother found it necessary to call in Dr. Golding of St. Martin's-lane and Mr. Blamire, surgeon, of Drury-lane. Witness paid Dr. Golding, on his brother's behalf, nine guineas for nineteen visits, having handed him a guinea for every other visit. Witness received the money from his brother. He also received 10*l.* from him

for medicines. Mr. Blamire received nothing, because he looked to the defendant for payment. Cross-examined.—Received nothing for his own attendance. Wrote to the defendant demanding 25*l.* for attendance and medicines. Said nothing in that letter about the 10*l.* he had received from his brother, because he had paid that sum out of his pocket for medicines. Mr. Serjeant Cross.—Come, now, we have not yet heard who this young Mr. Jackson is. Tell us who and what he is?—He is a great hopper [laughter]. The Lord Chief Justice.—A great what?—Mr. Serjeant Cross. Not a hop-merchant, my lord; but a great hopper and runner.—Yes.—And your brother, I believe is on the turf?—Yes a little.—Young Jackson was matched, was he not against another Yorkshire runner, of the name of Greig, for 300*l.* aside?—He was.—Your brother was training him, I believe at the time he fell ill?—He was.—Now, Sir, was it not determined that it was to be “a done thing?”—I understood so: in fact, it was determined that it should be a decided “cross.”—That is, it was decided beforehand that the match was to be lost?—Yes.—And Jackson was to be the loser?—Yes.—Now, Sir, upon your oath, did not the plaintiff apply to you to put a blister upon Jackson’s knee, to afford him an excuse for losing the race?—He did.—I was asked to put applications of some description to his knees to produce inflammation; but I declined to do so, and told them that it would be discovered.—And were you not also asked to administer emetics for the same purpose?—I was spoken to about giving him a pill.—To act as an emetic?—Yes, I be-

lieve so.—And to be forthcoming on the course?—I suppose so.—But I refused to do any thing of the kind.—Your brother would have made a handsome sum by betting against Jackson, would he not?—If the thing had gone off right as it was arranged, he expected, I believe, to clear 800*l.* or 900*l.*—That is, if Jackson contrived to lose according to arrangement?—Yes.—I believe the man who backs a runner, like a man who keeps racers, always pays for the training?—So I understand.—Now just tell us the course observed towards this man while training.—He was fed on toasted bread and sherry, and took many other things.—And this course was adopted to get him into a condition to lose?—Such was the object.—You gave the young man a great quantity of salts, did you not?—No, I gave him none; but I understood he was given a great quantity: young Jackson told me so.—Now, have you any doubt that this kind of training it was, which brought on the typhus fever?—I think the training, coupled with anxiety of mind, did bring on typhus fever.

The plaintiff consented to be non-suited.

ANTIQUITIES.—M. Raoul Rochette communicated to the French Academy of Inscriptions, and the Academy of the Fine Arts, the following intelligence regarding recent excavations at Herculaneum and Pompeii:—“The most brilliant discoveries are daily making at Herculaneum and Pompeii. A magnificent mansion is gradually appearing at Herculaneum, the garden of which, surrounded by colonnades, is the grandest which has hitherto been found. Some of the paintings, with which it is de-

corated, are of great interest. Among other mythological subjects there is a picture of Perseus, who, assisted by Minerva, is killing Medusa; Mercury laying Argus to sleep, that he may carry off the beautiful Io, a subject very rare among monuments of art; Jason, the Dragon, &c. But the most remarkable objects in this mansion are some bas-reliefs in silver, fixed on elliptical tablets of bronze, and representing Apollo and Diana. There are numberless other articles of curiosity in furniture and household utensils. But as to ancient pictures, it appears that none approach in merit to those discovered at a house in Pompeii. It is now certain, that the quarter, in which the excavations are going on, had been the finest in the city. The Tuscan Atrium first presents itself in the mansion we are speaking of. This Atrium is surrounded with small rooms very prettily decorated, from which we pass into a garden, round which are disposed apartments appropriated to visitors. To the left of the Atrium there is a passage leading to large porticos supported by red pillars, and embellished with a profusion of beautiful paintings; among which the following compositions are particularly remarkable:—1. Medea meditating the murder of her children, who are innocently playing at dice, whilst their tutor, at a short distance, conscious of Medea's intention, is lamenting the fate which impends over them. 2. The sons and daughters of Niobe assailed with the arrows of Apollo and Diana. This is a picture full of pathos. 3. Meleager departing for the chase of the wild boar of Calydon. 4. Perseus delivering Andromeda. 5. A Bacchante. 6. The Muses.

There are also some grotesque designs; such as a pigmy teaching an ape to dance, as well as paintings of fruit and animals, beautifully executed. These porticoes were devoted to promenading. They inclose a little garden, in the centre of which there is a basin for fish, and at the bottom was found a large *triclinium*, or dining-table, and seats for reclining. The *gynæceum*, or apartment appropriated to females, consists of a peristyleum, surrounded with porticoes leading into the apartments, where there is a luxurious display of pictures, executed in first-rate style. Castor and Pollux, the household gods, are on each side of the entrance; the other principal subjects are—Echo and Narcissus; Endymion; the infant Achilles plunged into Styx by his mother Thetis; Mars and Venus; Saturn; Orpheus; Ceres; Mars Pacific; Jupiter Hospitalis; and a classical group of a Satyr and an Hermaphrodite. The *exedrum*, or study, is decorated with some admirable pictures, representing Bacchantes of incomparable beauty; also a picture of Achilles drawing his sword against Agamemnon, and restrained by Minerva. Pictures on this subject, but indifferently executed, have been before discovered among those in the Temple of Venus. There is here, likewise, Achilles disguised as a woman, and detected by Ulysses; Ulysses, begging and receiving alms from the faithful Eumæus, &c. The style of these paintings is said to be superior to any thing that has yet been discovered of ancient art. From the *exedrum* we pass into a third garden, also surrounded with red columns, and adorned with pictures on the following subjects:—Phædra, revealing her incestu-

ous passion to Hippolytus ; several tragic and comic scenes ; the fable of Ætra and Ægeus ; Apollo, with Daphne changed into a laurel. There is a little niche, or sacrum, in the garden, from which we pass into a third peristyle. Among the moveable articles found in this mansion, a casket is particularly mentioned, enriched with elegant ornaments in bronze, and deposited in a corner of the gynæceum. It contains forty-two pieces of imperial gold money, and six of silver."—*Paris paper.*

FEBRUARY.

2. YORK MINSTER BURNED.

—Early on the morning of Monday, the 2nd, York Minster was discovered to be on fire. On the preceding evening there had been service in the Minster, as usual, and all appeared to be left safe. About four o'clock on Monday morning, a man, passing through the Minster-yard, saw a light in the building ; but as it was not very considerable, he supposed that there might be workmen preparing a vault, or otherwise engaged, and he passed on without inquiry. Between six and seven, the discovery was made by a boy, one of the choristers, who, when passing through the Minster-yard, accidentally stepped upon a piece of ice, and was thrown on his back. Before he could recover himself, he saw a quantity of smoke issuing from several parts of the roof. He lost no time in going for the man who kept the keys. When they entered, a dense mass of smoke pervaded the whole building, and the beautiful wood-work of the choir was extensively on fire. The

workmen, connected with the Minster, were immediately called up ; and fire-engines were procured. At first it was not apprehended that the fire would communicate with the roof ; but, the pillars being of lime-stone, and the roof of the choir being very dry wood, it was soon involved with the other wood-work in one general conflagration. All the fire-engines in the city were on the spot, but they were found insufficient ; and expresses were sent to the barracks, and to Tadcaster, for others. Notwithstanding every exertion, the flames made their way through the roof of the choir about half-past eight ; and about nine o'clock the roof fell in, and then was presented another and more distressing scene. The pillars, which had divided the choir from the two side aisles, now stood alone, the whole being one open space, with the roof burning on the ground, and reduced to a shapeless mass. Of the pews, &c. which were on either side of the choir, not a vestige remained. There were sixty-six stalls in this part of the church for the dignitaries, all executed in oak, and carved in most cunning workmanship ; they began with the dean's on the right hand, and the precentor's on the left, the seat of each turning up, and the under part enriched with a device cut in *alto relievo*. All this wood-work was of the same date as the choir—the fourteenth century. The screen, however, on which the organ stood, admired as a specimen of ornamental Gothic architecture, consisting of the most delicate tracery work, sustained but little damage. The effigies of the monarchs of England, which make so conspicuous a figure in front of this screen (fifteen in number), to the right and left of the

entrance to the choir, remained perfect. Some of the monuments in the north and south side aisles, received partial damage; but generally, from their having remained covered by the roof, escaped entire. The large pillars on each side the choir, as far as the altar, suffered greatly. These columns are composed of magnesian lime-stone, and the action of the heat detached large pieces from them, particularly near their base. On the east side, against which the flames raged with great fury, no material damage was sustained, farther than where the roof of the choir extended. The tower served to arrest the progress of the flames; for when they reached this part (after consuming the organ), nothing remained that was combustible. The light and elegant stone screen separating the communion table from the Lady's Chapel, suffered much less than might have been anticipated. In the Lady's Chapel it was impossible to ascertain the extent of the mischief, for the whole space was chiefly occupied by monuments of the highest value. These tombs, statues, &c. being directly under the roof, were covered with rubbish. The great east window, emphatically styled "the glory of the cathedral," and for the fate of which the most painful anxiety was manifested during the conflagration, suffered comparatively little. One large square was entirely demolished at the bottom, and several others perforated near the centre. The frame and tracery-work, also, suffered but little, although the roof, in its downward course, ranged within a few inches of the window. Neither did any of the stained lights, in any part of the cathedral, suffer materially. In the course

of clearing away the rubbish out of the choir, it was found that the hollow under the stalls had been filled up with a composition of sand and oak sawdust, and, amongst this, between 60 and 70 coins of different reigns and countries were found, some of them very curious, and of remote dates. A large silver thimble, and several smaller thimbles, some round pieces of coloured glass, &c. have also been taken out.

The fire was not accidental. It was traced to be the work of a deranged fanatic, of the name of Martin, who was subsequently tried for the crime at York, and found to be insane.*

3. COMBINATION OF WORKMEN.—GUILDHALL.—Mr. Hume's Combination Act (5 Geo. IV. c. 95) not only repealed all the previous statutes relative to combinations among workmen, but took away the right of proceeding by common law against such conspiracies. This act was amended in the next session (by 6 Geo. IV. c. 129); and, the restriction against proceeding at common law being omitted, any individual again became competent to prosecute, who should find persons confederating to impoverish him. The first proceeding of this nature, by the common law, since the repeal of Mr. Hume's act, occurred at this office to day, before sir Peter Laurie.

A journeyman bookbinder, named Wilkinson, in the employment of Mrs. Chip, of Ivy-lane, attended upon a summons, at the instance of Richard Painting, for unlawfully conspiring and confederating with divers other persons in the city of London, to prevent him from following his employment, and getting his living as a journey-

* See *infra*, p. 43.

man bookbinder, against the peace, &c. &c. The complainant said, he had followed the trade 22 years, and there was a society among the journeymen, which had a law, that only persons who had served seven years should be accepted as members. He had applied to be admitted so lately as a fortnight ago, and had been refused. On the 24th of December he applied for employment at Mrs. Chip's, found they wanted a hand, was desired to come to work on Saturday, and went there accordingly. However, Mrs. Chip then referred to the defendant, who said, "We object to him, because he does not belong to the society;" and he was thrown out of work, and continued unemployed till Monday last. He had been hindered from obtaining employment on the very same ground four times, and remained unemployed from one to four months in every instance. The defendant said, he was alarmed upon finding himself charged with combining with other persons, because he was not himself a society man, nor was any one present, except Mrs. Chip, when the complainant was spoken with. Mrs. Chip never engaged a new hand without consulting him. She would ask "Shall we take on another man?" and would listen to any objection to the person offering. He called Mrs. Chip to show, that there was no society men present, when she declined hiring the complainant. Mrs. Chip, on being asked why she refused to employ any but seven-year-men, said, because the men refused to work with them. If she were to hire a person who was objected to by the society, the other men would leave, and throw her business into a state of confusion. The defendant said, that, unless it was known that a

person had been regularly apprenticed, he could not be depended upon as capable of doing the work. It was his duty to give his mistress the best advice he could. The reason for not employing persons who had slipped into the business was, that by their incompetency they might do great mischief. A tramper of this kind had nearly spoiled a 36s. book, in a case within his own knowledge. Complainant.—You know I had worked as journeyman at Mr. Smith's. Mr. Smith, on being called, said, he had employed the complainant at a guinea a week. He could not call him a workman, because he did not understand binding in sheep as well as boards. He discharged him, because, during his (Mr. Smith's) absence in the country last August, the complainant charged for the work done in the breakfast half hour, although he came an hour or so behind the regular hour in the morning. Complainant obtained his charge at the Court of Requests, because it was not objected to the first week it was made. He employed whatever men he pleased, without fear of the society.

Sir P. Laurie said, the defendant had acted properly in preventing his mistress from engaging the complainant, if he considered him incompetent; but he must allow his mistress the right to employ whomsoever she thought proper. He dismissed the complaint.

4. INSOLVENT DEBTORS' COURT.

—Gaetano Starrabba, prince of Giardinelli, and eldest son of Peter, prince of Sicily, was brought up this morning from the King's-bench prison, to be heard in the matter of his petition and schedule, when his discharge was opposed by Mr. Stannard, tailor, of Pall-mall. The prince's schedule contained debts

to the amount of 1,665*l.* 18*s.*, and a statement, by which it appeared, that his highness, on the death of his father, now 81 years of age, would come to his title and to his Sicilian estates, which he estimated at 12,000*l.* per annum. He stated in his examination by Mr. Stannard, that he came to this country in July, 1827, having arranged with his government to leave their domains. He had a carriage built for him shortly after his arrival, and ordered of Mr. Stannard some splendid liveries for his servants. Mr. Stannard, on oath, stated, that the prince and a Mr. Blanchenny came to him, in Pall-mall, and the latter asked if he would give credit to a Sicilian prince, who was about to raise 2,500*l.*, and was to be married to a rich heiress of Richmond. He consented to execute an order, and made some clothes for his highness, after which he was solicited to make some handsome liveries; but he began to think differently of the story, and, on disclosing his doubts to Mr. Blanchenny, that gentleman produced a parchment signed by count Ludolf, the Neapolitan ambassador, giving a corroboration to the representations; and he (Mr. Stannard) was induced to execute an order for some liveries with gold linings, and of the most costly description. A difficulty was raised as to the sort of button, which, it was wished, should nearly resemble the royal arms of Sicily. [The button was handed up to the court, and they expressed themselves surprised at its costly description.] He referred the prince to the button-maker, who ultimately cast the mould to his highness's approval. After the liveries were taken home, and his bill came to 81*l.*, he took a guarantee from Mr. Blanchenny,

and, by that gentleman's wish, arrested the insolvent in the latter part of 1827, and he had remained in prison since that period.

Mr. Heath, on the part of the prince, examined him at great length. He stated that he should be entitled to considerable estates on the death of his father. He had been in expectation of marrying an heiress, whereby he should have been enabled to pay his opposing and other creditors. Since his arrival in England he had been supported by remittances from his father. The chief commissioner said, that there was nothing in the opposition. The prince had great expectations, and the Court could not say that the representations to Mr. Stannard were false.

4. ABSTINENCE FROM FOOD.—In the latter part of last year, an unmarried lady, named Norton, took a house on the Minerva-terrace, Brixton-road, where she lived in a very retired manner. About seven weeks ago, she discharged the only person who resided in the house with her—a female servant; and from that period up to the present time, the house had continued shut up, no person ever coming forward to answer the door. After the house had been closed about a week, and the lady who occupied it still remained invisible, every method was tried to discover some of her friends or relations, in order to communicate the circumstance to them, but none were to be found. The matter here rested from the 16th of November, the house remaining still closed, and no appearance of Miss Norton; until at length the inhabitants residing near the spot, fearful that she might have been murdered in the house, wrote to the landlord, stating the disappearance of his

tenant, and the facts relative to the house having been closely shut up ever since the period above specified. The landlord, on receipt of the communication, proceeded to Union-hall police-office yesterday, and producing the letter alluded to, the magistrate immediately gave directions to the chief constable to proceed forthwith to the residence of the lady, and obtain entrance, either by forcing open the hall-door, or through some of the windows. Another officer accompanied the chief constable to Minerva-terrace. They returned to the office in about two hours, and gave the following account of the business upon which they were sent. Having knocked for some time at the door of the house, and no person answering it, they proceeded into the garden of the next house, and thence got over into the one belonging to Miss Norton: they succeeded in throwing up the sash of the back parlour window, and contrived to enter the room by drawing back the bolts of the shutters. They then went into the different rooms on the ground floor, and in one of them found the carcasses of a dog and cat; that of the latter was nearly demolished with the exception of the head. It was conjectured that the dog, while in a state of starvation, had killed and devoured it, and then died itself from the effects of hunger. On the officers proceeding up stairs to the attics, in the back one, they discovered the lady, lying in bed, who appeared to be almost in a dying state. On hearing the noise produced by their entrance into the room, she feebly turned round in the bed, and, in a scream of terror, exclaimed, "You are come to poison me." After a little time she became more com-

posed, but, from her manner and behaviour, it was evident that she was labouring under insanity. She raved about her sister, and talked in an incoherent strain during the time the officers remained in the room. On going over the house no provision of any description was found in it, with the exception of a few mouldy pieces of bread in one of the cupboards; and from the state to which she was reduced, the bones being nearly starting through the skin, there was every reason to believe that she had not tasted a morsel of food from the day on which the house was first shut up, seven weeks ago, until that time. In the same room were two cages containing two canary birds which had died from starvation, their stock of seed and water being exhausted.

ESCAPE FROM GAOL.—On the morning of Wednesday the 4th, J. Evans, alias Squire Smallman, notorious for his extensive robberies, effected his escape from the county gaol of Hereford. On the preceding night, when the prisoners left the yard assigned them to exercise in, for the purpose of being locked in their cells, Evans, who was amongst the first to leave it, contrived, unperceived, to slip up a flight of stairs they had to pass, leading to an upper range of cells, and the whole of the prisoners, as the turnkey thought, were safely disposed of for the night. When the latter went his rounds, the clothes of a man confined in the same cell with Evans were placed at the door, and he also answered the interrogatory of the turnkey, which is made in pursuance of the regulations of the gaol, and the turnkey retired to rest, assured that every man was secured. In the upper range, to which Evans had

escaped unperceived, were five cells, only one of which was tenanted by a prisoner, and the doors of the others had been left open for the purpose of ventilating them, with the sheets, blankets, &c. rolled up on the different iron bedsteads belonging to each apartment. In the farthest, Evans took refuge, and waited till all was quiet, when he removed two small iron bars from a leaded window, which lighted the gallery into which the cells opened, but which was effectually secured on the outside, tied two sheets together, which he affixed to staples in the walls on each side of the cell, and to the centre of the sheets he affixed a blanket, secured to the iron bars of the window, forming a swinging platform, which the centre stay rendered perfectly secure. On each side of this stay he placed his feet, his back resting against the wall; and being a tall man, with the iron bars from the window, he contrived to remove the bricks from the top arch of the cell, making a hole about 12 by 18 inches. Through this he got to the roof under the tiles, and then along from the west side, where he was confined, to the east side, when he removed the tiles, and taking with him a sheet torn in two, and fastened together, he descended to the boundary wall, a task of great difficulty and danger. Fixing one end of his sheet securely in a spike on the top of the wall, by which the lead covering is fastened, he let himself down to within about six feet of the earth, and dropped in safety to the ground. He had not been able to effect completely his clever enterprise before six o'clock in the morning, as he was seen about eight, at no great distance from the city, going towards Fownhope, having taken the precaution

of putting on the coarse hempen shirt worn by the prisoners over his gaol dress, so as to appear like a smock-frock, and also rolled up the trousers to the knees. Being more than six feet high, his appearance attracted the attention of the person who saw him, but the latter did not hear of his escape till some time afterwards.—*Hereford Journal*.

4. SEDITIOUS PLACARDS.—*Bow-street*.—Two half-starved miserable-looking men, named Peake, who, it appeared, were father and son, were brought before sir R. Birnie, by a constable of St. Martin's, charged with having been found in St. Martin's-lane, at one o'clock in the morning, in the act of sticking up certain placards of a seditious and inflammatory description. The constable stated, that several bills of a similar nature were posted on the walls in the neighbourhood of Westminster Abbey, the Treasury, and the Horse Guards. On being asked by whom they were employed, the elder prisoner replied, "Another bill-sticker gave me the bills, and my son and I were in the act of putting them up when we were taken into custody, and lodged all night in the watch-house." They were both, he added, quite unconscious of having committed any wrong. "From whom did the bill-sticker receive them?" inquired sir Richard Birnie. The prisoner shook his head, observing that he did not know; he believed, however, that they were obtained from the printer, whose name and address were at the foot of the bills. Sir Richard Birnie observed, that he could not perceive any thing at the bottom of the bill excepting these words, which were evidently intended as a blind—"Clay, printer, Bishops-

gate." The prisoners had made themselves liable to a penalty of 20*l.* each, for publishing bills without the proper name and address of the printer, according to the 39th of the late king, cap. 79. He then ordered the prisoners to be locked up, until inquiry should be made whether such a printer as Clay resided in Bishopsgate-street.

The following is a copy of the bill:—

"**THE LAST WARNING.**—People of England.—Do you hear that hollow—sepulchral—heart-appalling sound, which issues from the embattled towers of St. Stephen's? It is the passing bell of your beloved Protestant Constitution, that constitution which was the offspring of profoundest wisdom and the best gift of God to poor old England! She was attacked by a relentless band of robbers, who inflicted so many wounds in succession, that she grew gradually feeble and sickly. The regular physicians attended her, but a decided difference of opinion springing up amongst them, confusion and irregular treatment were the consequence. A set of ignorant but designing quacks, who usurped the name of doctor, but who had been secretly in league with the robbers, were called in. Many pernicious drugs and poisonous potions were prescribed and administered. Some of the attending physicians objected to them, but their opinions were over-ruled by the vociferations of the quacks, who ultimately threw some Jesuit's powder into their eyes, which produced dizziness in the head and such lethargic affections as rendered them incapable of judging of the case, and ultimately made them fancy that it was hopeless. A final consultation was held last Monday,

the result of which was, that in compassion to the patient the vital spark should be extinguished, and thereby a lingering death prevented! Some were of opinion that this should be effected by a strong dose of laudanum—others that it should be done by suffocation, as no marks of violence would then be visible to the anatomists, who would afterwards dissect her; but one, who had been a soldier for many years before he embraced the medical profession, and was once her ardent lover and chosen champion, declared, he considered those ignoble modes of ending life unworthy of the noble victim, and offered, adroitly, to give the *coup de grace* with his well-tried, polished sabre, while feeling her pulse and sympathizing in her sufferings. The proposal was adopted by acclamation. They adjourned to her chamber. The sentence of death is announced to the patient. Conscious of much remaining strength she resists the cruel fiat. See the uplifted dagger pointed at her breast! See how she struggles, and how boldly her few remaining faithful friends plead for her life, and throw themselves between her and destruction!!! People of England! Protestants of England! Will you not come forward and bear a hand to extricate her from those unhallowed hands? Will you not raise your voices and send forth such a cry as shall astound the traitors, and compel them to let go their sacrilegious hold? Continue silent but one hour more, and all is lost!!! Your churches, your Bible, your laws, and your liberties, free-born Englishmen, will become the willing slaves of a corrupt religion and a foreign prince. Speak out, then, speak out now, or ever after hold your peace and hug

your ignominious chains !!! Again, I say, Britons, speak out! In compassion to yourselves—in compassion to your children—in compassion to your country—wrestle manfully against Popery and its daring demands for the transfer of political power from the Protestants of England to the Popish rabble of Ireland. Now or never.—Clay, printer, Bishopsgate.”

In the afternoon the prisoners were again brought forward, and, being a second time questioned as to the party from whom they received the bills, persisted in stating, that they obtained them from a brother bill-sticker. “I find,” said sir Richard Birnie, “that there is a printer, named Clay, who resides in Devonshire-street, Bishopsgate. As I believe that you have both been made the cat’s paw in this business by some designing fellow, I shall discharge you for the present on entering into your own recognizances: but remember, if, after this warning, you are again at work, sticking up such bills as these, you will most assuredly be taken up and punished.” The prisoners were discharged upon entering into their own security not to offend in future.

5. KING’S BENCH.—*The King v. John Moseley Binckes*.—The Solicitor-general prayed the judgment of the Court on the defendant, who had been convicted at the sittings at Guildhall, in October last, on an information filed by the Attorney-general, charging him with having, contrary to the statute of the 49th Geo. 3rd, negotiated for the sale of an office in the gift of the Crown.—The facts of the case appeared to be these:—The defendant was, or had been, an auctioneer. A Mr. John Field, who carried on the business of a

wax-chandler in Mary-le-bone, had a son, for whom he was desirous of procuring some situation under government. He mentioned the subject to Mr. Fearne, a stock-broker, with whom he was acquainted. Mr. Fearne directed him to a Mr. Setree, at No. 11, Great St. Thomas Apostle. Mr. Field went there, and on the door saw the name of Binckes, the defendant. On inquiry for Mr. Setree, he was directed by a clerk to walk up stairs; and he there saw the defendant. Mr. Field said, he had been directed to Mr. Setree, and mentioned the nature of the business about which he had called. The defendant said, he had the management of the business; and, in answer to Mr. Field’s inquiries, stated, that the situation he had in view, which was one under government, was a very desirable one, and not subject to any change of ministry. The salary, he said, was 400*l.* per annum, with a residence, and an allowance for coals, candles, and other articles, which rendered it equal to 500*l.* a-year. He, at first, stated that the smallest sum that would be taken for it was 2,800*l.*; but, on Mr. Field’s objecting to that as too large, he agreed that 2,500*l.* should be taken. After some discussion, an appointment was made for a second interview, which took place at the office of Mr. Fearne, and, upon that occasion, the defendant informed Mr. Field, that the mode of proceeding in these cases was for the purchaser, as a security for the performance of the contract, to lodge in the hands of the other party the halves of Bank of England notes for the amount agreed upon, and stated that he must then have some halves of notes as a deposit. Mr. Field, at that time, had no notes, but he bor-

rowed two 100*l.* notes of Mr. Fearne, and gave the halves of them to the defendant, who signed a receipt, and at the same time gave Mr. Field a memorandum describing the nature of the situation. The memorandum stated that the situation was one of 400*l.* a-year, clear of drawbacks, with a residence, and coals and candles; also the appointment of two clerks, one at a salary of 100*l.*, and the other at 70*l.* a-year, to be paid by government, distinct from the salary of the principal; and that the appointment was not subject to revocation. Another meeting was appointed for the 7th of August, and on that day the parties again met at Mr. Fearne's office, when Mr. Field delivered to the defendant the halves of notes for 2,300*l.*, which, with the former halves, made up the 2,500*l.*; and a memorandum of agreement was drawn up and signed, by which it was stipulated, that the other halves of the notes should be paid over by Mr. Field, when the business should be completed; and that, if it could not be completed, the defendant should restore to Mr. Field the halves which he had received. The defendant at that time stated, that the office, for which he was negotiating, was in the department of the Lord Privy Seal, and that it was then held by the hon. colonel Fane, who intended to vacate it. The business was to be completed within fourteen days from the 26th of July. Some delay taking place, Mr. Field called on the defendant to know the cause, and to ascertain the name of the party through whom the appointment was to be obtained. The defendant then stated, that the negotiation was carried on through Mr. Bates, a gentleman who held a situation

in the Customs, and also one in the Tax-office, Somerset-house; and that the delay had arisen in consequence of the absence of colonel Fane, who was then in France; but he promised to communicate with Mr. Bates, and told Mr. Field that he would probably see or hear from him in the course of three days. The time, however, was, under various pretences, postponed from day to day, until at last Mr. Field became alarmed. He then applied to Mr. Bates, and found that, as far as that gentleman was concerned, the whole matter was a pure fiction. Mr. Bates knew nothing of the defendant, and had no situation to dispose of. Mr. Field, finding that he had been deceived, then applied to the defendant for the return of the halves of his notes. The defendant wrote several letters to him, expressing his hope that the matter would be amicably arranged, and promising to endeavour to return the halves of the notes, which he stated he had parted with. He subsequently refunded 700*l.*, which, it appeared, was the whole that Mr. Field had been able to recover. Information of these proceedings having been given to the government officers, the present prosecution was instituted. The above were the principal facts as stated by Mr. Field, whose evidence was corroborated by that of Mr. Fearne. Colonel Fane, who was also examined as a witness at the trial, stated, that he held an office in the department of the Lord Privy Seal, but had never given authority to any person to negotiate for its disposal; and Mr. Bates, the Secretary to the Commissioners of Taxes, stated, that he knew nothing of the defendant or of the negotiation which he had carried on. No

resses were called for the defendant, and he was found guilty. He was sentenced to be imprisoned in the House of Correction one year.

SHIPWRECK.—*Yarmouth, of Wight.*—On the afternoon the 7th instant, his majesty's schooner *Nightingale*, commanded lieutenant George Wood, on her passage from Plymouth to Portsmouth, struck on the Shingles. A signal of distress was made by firing guns, &c., and immediate assistance afforded by Mr. Burnidge, pilot of Cowes, and also by lieutenant Cole, R. N., and his boats from the Point coast-guard station, rendered every necessary assistance to get the anchors out at low water; a galley from the Stag Cove cutter also reached the vessel just in time to be of great assistance at low water. About six a.m., the wind being light from N. W., and remarkably fine weather with smooth water, the vessel lying on her larboard bilge, doubt was apprehended by those on board, of the vessel's getting off without any damage; but on the tide making, the sea began to rise with the greatest rapidity, and boats left the shoal and anchored in deep water in safety, ready to come alongside if required. All hands were employed on board in shifting the ballast from the runways in the hold, securing the chests and preparing to make sail, doubting but she would get off. At eight p.m. the sea became so high, that it appeared dangerous to the boats to come alongside, and foresail was hoisted on the foremast, in hopes it would assist the vessel in lifting the vessel off into deep water, but to no effect; the vessel was unshackled and veered, the vessel striking hard on the

ground; the sea became terrific; the vessel now laboured much,—the starboard bulwarks were partly stove in, and the sea was making a clear breach over the vessel. The poor sailors were working at the pumps; but a heavy sea washed every soul from one side to the other—the companion and fore-scuttle were washed away, and the vessel filled instantly. She now fell on her beam ends, and it was with the greatest difficulty the hands could gain the weather rigging. A halloo was made by every one on board as a signal for the boats, but for more than half an hour they were kept in suspense, it being very dark and no boat seen; every one became hoarse, and being benumbed with cold and wet, the sea breaking over her in every direction, all hands gave themselves up to despair. At last the sound was heard, "The boats are in sight," yet their crews were afraid to venture near the vessel, until they were told there was no danger: but, the tide running with great rapidity, they had much difficulty in getting alongside, which they did one by one, the people lowering and throwing themselves down.

The number of persons saved was thirty-four, thirty of whom consisted of the officers and crew. The commander's wife perished. The heavy sea which filled the vessel washed the surgeon, who had Mrs. Wood round the waist, from one side of the vessel to the other, and down the hatchway by the main-mast, where she perished; the surgeon with the greatest difficulty saved himself. A lieutenant Cole, of the royal navy, a passenger on board, and who was insane, was also drowned.

14. PAROCHIAL RATES.—A

Petty Session was held at the work-house, in little Gray's-inn-lane, when the long-contested question between the parish of St. Andrew, Holborn, and the benchers of Lincoln's-inn, relative to the liability of the latter to contribute to the maintenance of the poor of the parishes of St. Andrew Holborn, and St. George the Martyr, was settled; the benchers and other occupiers of chambers in Lincoln's inn agreeing to pay the parish 2,500*l.*, and to defray the expenses of obtaining an act of parliament to enable the parish to accept a composition of 1,000*l.* in lieu of parish-rates.

DEATH OF JACK KETCH.—J. Foxton, who for sixteen years held the place of chief executioner of Newgate, expired on Saturday the 14th, in the sixty-first year of his age. During his period of office, he had executed Bellingham, Fauntleroy, Thistlewood and his five coadjutors, Hunton, Thurtell, Corder, White the bookseller of Holborn, and many others of both sexes. From his supposed skill, the consequence of such frequent practice, this functionary of Newgate had been often sent down to Lancaster, Gloucester, and other distant gaols, on capital executions.

ANTIQUITIES IN FRANCE.—The Amphitheatre at Arles has just risen again from its ruins. This monument, which seemed to promise to curiosity nothing but recollections and wrecks, has recovered all at once its form, its size, and its ancient appearance. Conceive an ellipse of three hundred and sixty-three *metres* in circumference, enclosed within a double range of porticoes, capable of containing, on forty-three rows of benches, twenty-five thousand spectators, and the whole

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building founded on a rock, which commands the town in such a manner as to present a spectacle equally imposing and picturesque.—Such is the Amphitheatre of Arles, more vast, more majestic, but less complete in its superstructure, than the Amphitheatre of Nismes. The pilasters of the Doric order, which ornament the first story, serve as supports to the Corinthian columns of the upper portico. Above commence the steps downwards. The crown-work, of the Attic order, so well preserved at Nismes, is entirely wanting at Arles, where the vaulting of the arches forms the summit of the edifice; but these successive undulations, far from hurting the perspective of the monument, render the boldness and lightness of its elevation still more striking. Travellers, who have visited Pont du Gard, will easily form an idea of this architecture, at once slight and colossal, in which beauty is combined with strength, and in which elegance and majesty surprise and enchant us. The internal decorations of the Amphitheatre at Arles are not the only parts of it worthy of being inspected: in its subterranean apartments this edifice defies comparison with every other monument of a similar nature. Three circular and concentric galleries, running under the exterior of the building, serve as a support to it. These galleries communicate with one another by eight passages, which cut them into as many trapeziums, the areas of which are filled by vaulted chambers. It is supposed that the animals destined for the games were kept in these boxes, but the purpose for which they were built is not exactly known. The grand features of

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architecture, displayed in the super-structure, are visible also in the substructure—the same order, the same grandeur, the same beauty of fitting and execution. Till the recent time the circular prolongation of the vaults was only conjectural, the soil by which they were covered, permitting nothing but guess work. People were said that the inequalities of the ground would have opposed an insurmountable resistance to the exposure of the foundations. The raising of the soil has removed all uncertainty. The three galleries have been entirely explored—two are complete in their circumvolution. The irregular windings of the rock, which serves as a base to the edifice, partly interrupts the third, and destroys its continuity on the western side. This interruption is only a few metres in length, and it is astonishing that the architect should have sacrificed the regularity of this admirable work to an inequality, so easy to level.

WILL OF SIR GILBERT EAST.
—In the will of Sir Gilbert East, Bart., deceased late of Fifield, Berks, proved in Doctors'-commons within the last two or three years under 800,000*l.*, is the following curious bequest:—

“ I leave to Eleanor Mary East every dog belonging to me at my decease, be it where it may, shall be kept in every respect as well as during my life, shall be fed with milk, barley or oatmeal, or sea-scut and tripe, &c. and I leave to be paid to the person possessing the property set down in No. 1, for his life 7*s.* a week for each dog, and at the decease of Eleanor Mary East, who will first keep them, the person in actual possession of the property bequeathed in

No. 1, be he who he may, shall continue well and punctually to pay the weekly allowance for each dog as before directed; and moreover to find out and employ a trusty, honest person to look after them and attend them, which, together with any kennel-furniture when wanting, shall be an extra payment over and above the weekly allowance, as shall also medicine. I do not allow of any one dog to be killed because old or infirm, under a false notion of charity; and further any horse or mare belonging to me at my decease shall have each a run for life, with every possible care and attention paid to them, but most particularly in winter, when I will that chaff, bran, and hay, be daily and plentifully given to them, and a warm shed or sheds for them to shelter themselves in, be provided, and that they be allowed to run in my meadows at Fifield particularly, and I hereby order that Eleanor Mary East, during her life, do amply provide for the horses, &c. aforesaid, and at her decease I leave and bequeath 8*s.* per week to be defrayed by the person being in actual possession of my property set forth in No. 1, for the maintenance of each horse, mare, or gelding, and who I do hereby require to hire a trusty and honest person to attend to them and administer to their wants, who shall be paid extra, and not from the 8*s.* per week. Further, any parrot that may to me belong at my decease, shall, at the decease of Eleanor Mary East, if she outlives me, be made over to Martha Hack, who I trust will in every respect take the greatest care of, on the same plan of keeping and feeding as practised whilst I was living, and to enable Martha Hack

to perform this, I hereby order the person in actual possession of the property set down and bequeathed in No. 1, to pay unto Martha Hack or any other person afterwards, who it may be necessary to appoint in case of any unforeseen circumstance or the death of Martha Hack occurring, and which substitute to Martha Hack ought to be very trustworthy, the quarterly sum of 15*l.*, making 60*l.* per year, and the person in actual possession of the property bequeathed in No. 1, shall appoint such successor when necessary, and at the death of said parrot only 20*l.* per year for life shall be paid unto Martha Hack or the successor actually appointed. A cage similar (being iron) to the present ones, shall be provided at the expiration of every two years for the parrot aforesaid, to be purchased new by the person in actual possession of the property set down in No. 1, at his own expense. My remains shall be put into a cedar coffin, lined top, bottom, and sides with Russian leather, and shall be placed in a coffin made of best wrought iron, and painted three times inside and outside with black paint, and then embellished with armorial and funeral devices richly. Camphor and spices shall be put into the cedar coffin as much as possible. The body to be carried and placed in the family vault, Witham, Essex, and there buried. I shall give no very particular directions as to the procession, &c.; but it ought to be performed in a dignified and solemn manner with banners, &c."

COURT OF COMMON PLEAS.—*Fish v. Travers.*—This was an action of trespass brought by the plaintiff, against his neighbour, for shooting his dog. On the part

of the defendant (the learned judge having decided that the question raised upon the pleadings required that he, and not the plaintiff, should begin), a number of witnesses were called, who deposed to sundry mischievous gambols on the part of the dog. It was a large Newfoundland dog, kept by the plaintiff about his premises, as a watch-dog, sometimes muzzled and sometimes not. Upon one occasion he jumped upon a lady and carried off her fur tippet in his mouth; upon another he threw down a little girl and rolled her in the mud; at another time he pinned a lady against the wall with his fore paws, and again leaped at an old watchman, and scampered off with his night-cap between his teeth. He bit a little boy by the wrist, and drew blood, and in time became the terror of the neighbourhood, not only frightening the women and children about the place, but also the nightly watch, and even the inspectors of the watch. Having annoyed and terrified some of the defendant's family, this gentleman told the plaintiff's son he would shoot the dog, and on the following day he fulfilled his promise. It was intimated on the part of the plaintiff, in reply to a question from the bench, that, although it could be proved that this dog had constantly played with children and others, without evincing any disposition to be vicious or mischievous, yet he was not prepared with evidence to rebut the particular facts sworn to on the other side. The Lord Chief Justice observed, that a dog might be very good-tempered sometimes with children, and yet be extremely vicious on other occasions. He did not think, after the explanation which had been given,

that the defendant's case could be answered.

The plaintiff, therefore, submitted to a nonsuit.

20. UNIVERSITY REGULATIONS.—*Cambridge.*—The Syndicate appointed to take into consideration the practice of degrading in the University, have made the following Report to the Senate:—

“Conceiving the practice of degrading without any limitation to be liable to abuse, they recommend to the Senate the adoption of the following regulations:—

“1. That, from and after the 10th day of October, 1830, no person who has degraded be permitted to become a candidate for University scholarships, or any other academical honours, during his under graduateship, or for honours in the mathematical tripos, unless he shall previously have obtained special permission for so doing, from a syndicate hereafter to be appointed for that purpose.

“2. That this syndicate do consist of the Vice-Chancellor, the Public Orator, the Greek Professor, and the two Moderators for the time being, who shall be invested with full power to examine into the cases of applicants for permission to become candidates for honours after they have degraded, and to grant or withhold such permission, as they may think proper.

“3. That this syndicate do meet on a certain day in October in each year, of which notice is to be given by the Vice-Chancellor, for the purpose of taking into consideration the cases of applicants, and that all applications be made in writing by the tutor of the person or persons making such application, accompanied with

certificates of ill health, or such other certificates as he may consider necessary.”

23. MIDDLESEX SESSIONS.—Henry Milbourne was indicted for having falsely represented himself to be an attorney, and in that disguise obtained several small sums of money, amounting to 9s. or 10s., from a cutler of the name of Henry Jordan Strutt, residing in the parish of Mary-le-bone. Mr. Alley, who was retained by the Metropolitan Law Association, opened the case on the part of the prosecution; and, addressing the jury, said, that the prisoner stood indicted for obtaining money by false pretences, and was one of those fellows who infested the hall of that court, to swindle such of the unfortunate litigants as were simple and credulous enough to be deceived by their false representations out of their money. The prosecutor deposed, that, on the 5th of February, the prisoner came to him, and, presenting him with his card, inquired if he had any thing to do in the way of legal business, saying that he would undertake it for him upon terms considerably cheaper than any of his brother lawyers. The prosecutor replied, that he had no business on hand of such a nature, nor was it probable he ever should, but in case so unlikely a circumstance at any future period occurred, he would apply to him. The prisoner, assuring him that his charges were according to the nature of the case, and the circumstances of the parties, left a card to that effect, and withdrew. The following evening a man entered his (the prosecutor's) shop, and asking him if his name was Strutt, presented him with a paper, and went away. On opening the pa-

per, it appeared to be a legal instrument, which had the effect of greatly agitating both himself and his wife, and throwing them into a state of fright and alarm. He (the prosecutor) had recourse immediately to the prisoner for advice, who said "For God's sake, Mr. Strutt, what have you been doing? This is a regular document,—a writ issued out of the King's-bench against you, and you must put in an appearance, which I will do for you by paying the fees, 7s. 6d." The prosecutor said, he knew nothing whatever of such a writ, he had no legal proceedings whatever pending, and he knew no reason why he should have recourse to such a step, but the prisoner insisted that he must do it, and, having undertaken the job, received the money. On the Monday following, the prisoner called on him, and pulling a declaration out of his hat, said, "it had been thrust through the key-hole of his door that morning, and he had paid 16d. for it. The discrepancy in this statement was not perceived by the prosecutor, and he immediately gave him the 16d. together with another shilling, which he alleged was for searching the books and a printed paper, and then added, that, if he gave him 2s., he would quash the entire proceeding, which had been instituted against him by some common informer. Thomas Charles Todd deposed, that he searched the books, but found no cause whatever relating to such declaration as that now alluded to. The officer, who took the prisoner into custody, found upon his person, and in his lodgings, No. 28, Lisson-grove, Paddington, a great number of writs, declarations, and other legal instruments. The prisoner made

a long defence, admitting that he had received money, but insisting—of which, however, he produced no evidence—that he was an admitted, but not a certified attorney, upwards of twenty-one years. He had no objection to travelling, but he hoped the jury would not send him to travel. The jury returned a verdict of *Guilty*, and the court sentenced the prisoner to seven years' transportation.

24. MASTER AND SERVANT.—COURT OF KING'S BENCH, GUILD-HALL.—*Child v. Affleck, esq., and Wife.*—The plaintiff, Eliza Child, sought by this action to obtain reparation for an injury done to her character by a lady in whose service she had lately lived. The plaintiff, said her counsel, was about 18 years of age, and was the daughter of respectable parents, who had resided at Bury St. Edmund's for about 25 years. In 1827, the plaintiff had been placed in the service of a quaker lady of the name of Kemp, who kept a staymaker's shop at Bury. She remained with Miss Kemp about 14 weeks, and was then recommended by a person of the name of Johnson, who kept a register-office for servants at Bury, to Mrs. Affleck, the wife of colonel Affleck, a gentleman of rank and fortune, residing at Tostock-hall, in the immediate neighbourhood of Bury. The plaintiff was engaged as a housemaid by Mrs. Affleck, who received an unexceptionable character of her from Miss Kemp. She remained in the service of Mrs. Affleck several weeks, and, on quitting her situation, she was engaged by the lady of a gentleman of the name of Seaman, who resided a few miles from Bury, in the neighbouring county of Norfolk. This was in July last. Application by

letter was made to Mrs. Affleck for the plaintiff's character; and, in answer to that letter, a note was received from Mrs. Affleck in these terms:--

"Tostock-hall, Aug. 1, 1828.

"Mrs. Affleck's compliments to Mrs. Seaman, and is sorry, in reply to her inquiries respecting Eliza Child, to inform her that nothing can be in justice said in her favour. She lived with Mrs. Affleck but a few weeks, during which time she conducted herself disgracefully; and Mrs. Affleck is concerned to add, that since her dismissal she has been credibly informed that she has been, and now is, a prostitute in Bury."

Now this statement was as false as it was malicious; but Mrs. Affleck did not allow her malice to rest here. She afterwards called at the register-office in Bury, and alleging that the plaintiff had conducted herself ill while she was in her service, desired that Mrs. Johnson would not recommend her to any other situation, stating at the same time that she (Mrs. Affleck) had herself taken care that she should never obtain another. But even this was not all; she called also upon Miss Kemp, and made a similar statement to that lady, and told her, that she could bring a gentleman to prove that the plaintiff was a common prostitute. Such was the conduct of this lady towards a poor girl, who had nothing in the world but her character to depend on to enable her to obtain a livelihood. The learned counsel was aware that communications respecting the character of a servant were by an established rule of law considered as privileged, unless it could be shown that the party was actuated by malice, or that the charge made was false. The plain-

tiff in this case had, of course, no means of shewing that Mrs. Affleck's statement, as to her having been informed of circumstances prejudicial to her character, was untrue, for the lady had not thought proper to disclose the name of her pretended informant; but the facts which he had stated, and which would be proved by the witnesses, would fully satisfy the jury, that she had been actuated by malice towards the plaintiff. The letter complained of was then given in evidence, and witnesses were examined in support of the statement of the learned counsel.

Lord Tenterden was decidedly of opinion, that he could not, consistently with the rule applicable to cases of this description, let the case go to the jury. His lordship thought, that it was the duty of a master or mistress to state not only what they knew of the conduct of a servant while in their service, but also what they had been informed respecting her conduct subsequently. The letter from the party in this case was to be considered as a privileged communication, and therefore, unless malice or falsehood could be shown, the action was not maintainable. Masters and mistresses were apt rather to conceal the faults of their servants than to disclose them; and if they were to be called upon to answer for communications which contained any thing unfavourable to a servant's character, without its being shown that they had been influenced by improper motives, they could never in future venture to give a character of any servant who had been guilty of misconduct.—Plaintiff nonsuited.

ADMIRALTY COURT, FEB. 24.
—THE ADELAIDE.—SLAVE TRADING.—Sir Chas. Robinson gave

judgment in this case. This was an appeal on the part of the seizer, from the sentence of the Vice-Admiralty Court of Bermuda, in an information for the recovery of penalties for the shipment and removal of certain slaves from the island. The seizure took place on the 22nd of January, 1827, near Ireland island and the port of Hamilton, on the ground of the vessel being on the point of weighing anchor, having slaves on board, contrary to the statute. There were two objections offered to the information. The first was,—that it was not sufficiently precise, in not negating the exceptions to the prohibition under the act: but this objection did not appear to be sustainable. The second objection related to the character of the exportation. It was said that the vessel was at anchor, and had not quitted the port, and that consequently no exportation had taken place. But the vessel was beyond the utmost point of land, and therefore this objection was not sustainable. The act of Exportation was not the only act which was penal under the statute, which included the removing, carrying away, and shipping of slaves. Neither of these objections (which had not been suggested to the Court below) prevented this Court, therefore, from considering the merits of the case. The General Consolidated Slave Act enumerated all the acts relative to the purchase and shipment of slaves, and the 17th section contained the exceptions. The account given by Mr. M'Alister, one of the respondents, was, that he arrived at Bermuda, from Trinidad, on the 5th of December, 1826, and on account of his health he found it necessary to have two additional servants there.

Seeing a family of negroes (a mother and children) advertised for sale, he bargained for the former, Hannah; but observing her distress at the idea of a separation from her children, he was induced to consult the collector of the customs as to the number of slaves he might take with him to Trinidad. The collector informed him that he was entitled to take two slaves for each member of his family,—namely, himself, his wife, and an infant child. He thereupon determined to purchase all the slaves, five in number, rather than separate mother and children. Accordingly, on the 29th of December, he purchased the whole family. The purchase, therefore seemed to be admitted to have been with a view to exportation, since it was not till he had consulted the collector, and Hannah had consented to go to Trinidad, that the purchase was completed. On the facts so appearing, it was contended that there had been a contravention of the statute, which forbade all purchase or transfer of slaves, except for employment on the island. A justification was offered by Mr. M'Alister, that the slaves so purchased by him were domestic slaves, shipped under the authority of the 17th section of the statute. On the other side it was argued—first, that the slaves were not domestic slaves within the meaning of the act; and secondly, that they were not accompanied by the documents required by the 17th section. The statute 46 Geo. III. mentioned two descriptions of domestic slaves; the Consolidated Slave act withdrew the distinction, and substituted a general term. It was contended that the term “domestic slave” was opposed to that of “agricultural slave,” and that it was not ne-

cessary that the occupation of the former should be specified. He (the learned judge) should, however, ground his judgment upon the *bona fides* of the transaction, as shown by the conduct of the parties. The account given by Mr. M'Alister seemed open to this observation: different reasons were assigned by him for shipping the family, but all seemed insufficient to explain the reason of his embarking in this transaction. With respect to the motives of compassion he assigned, and his desire not to separate the family, it was not competent to an individual to obey those motives contrary to law. The conveyance of slaves from one island to another was regulated by a statute, which gave the king the power to provide for such cases as these; and no individual could assume such a right. Mr. M'Alister would have acted much more safely and naturally, if, instead of going to the collector of the customs, he had consulted higher authorities—the law officers of the colony. With regard to the character of the slaves, they could not be said, truly and strictly, to be really domestic slaves. Hannah was a laundress, of 40 years of age; her four children were of the age of 11, 9, 7, and 3 years. It was difficult to explain how the latter were to be considered domestics. It seemed to be contended that the children of domestic slaves were entitled to be so considered,—an argument which appeared to have been adopted from an observation of the judge in the court below, who thought that the children, born of domestic slaves, were of the same character, till they were of an age to be put to some other occupation. This was an admission that they were incapable of any immediate

occupation; it was an insufficient way of meeting the exception contained in the clause of the act, which employed the terms “really and truly domestic slaves;” and the court did not see how, at that time, the children could be considered really and truly the domestic slaves of Mr. M'Alister. If there had been any ambiguity in the act as to the quality of domestic slaves, another clause seemed to require that the name and occupation of the slaves should be endorsed on the clearance. This had not been observed in the present case; the endorsement was general, that these persons were shipped as in attendance upon the family of the exporter; but no particular occupation was specified, as the act required. It was difficult to say that such certificate gave any substantial information, or accorded with the true intent of the act. It seemed to certify merely that these persons were in the same ship with their owner. Under this general view of the case, the court must pronounce that the pretext was not true, and that the transaction was contrary to the form and substance of the act.

As to Mr. Wainwright, two slaves, aged 7 and 12, had been shipped by him under similar circumstances; the only distinction was, that these slaves had been born in his family. But with respect to the substantive ground of *bona fides*, the case fell within the same considerations. If Mr. Wainwright had occasion for the services of attendants, he was in a situation to select persons who had attended him before. Instead of that, two children were selected to make a voyage to Trinidad, the same destination as the other slaves. If he had taken per-

sons competent to the discharge of the duties he required, it was hardly to be doubted that they would have been described on the endorsement. Instead of this, the endorsement merely said, "Slaves attending on the person of their master," which seemed to imply no occupation, no service, at least of the kind intended by the act. Considering the connexion of this case with the other, the court was bound to treat it in the same manner: the shipment was not according to the form and spirit of the act; and the slaves would never have found their way back again to the island of Bermuda.

In putting this construction upon the act, (the learned judge continued) it was not necessary to advert to a point growing out of the 17th section, with respect to a copy of the registration accompanying the clause. On that point, two propositions were before the court: on the one side it was said, that the act had expired, and no registration was necessary; on the other side it was contended, that that circumstance was a virtual prohibition to ship slaves from the island. These large propositions would lead the court farther than it was willing to go, because the same question might occur in future cases, and affect other islands. The learned judge's impression was, that he should not have been warranted in pronouncing a sentence of conviction on that ground only. The learned judge then reversed the sentence of the court below, and pronounced for all the penalties sued for in the information,—namely, the forfeiture of the ship, her tackle, furniture, &c., the condemnation of the slaves to the Crown, and the penalties of 100*l.* for each of the slaves, to be paid

by the owners and the master of the ship respectively. He gave no costs in the present appeal, but directed a monition to issue for the repayment of the costs already paid by Captain Jones, the seizer in the court below.

MARCH.

4. LONDON UNIVERSITY.—The annual general meeting of proprietors took place, in one of the large theatres of the University, and was very numerous attended.

Viscount Milton was called to the chair; and the warden, Leonard Horner, esq., read a report from the council, of the proceedings of the past year.—The account given of the financial state of the institution was as follows:

"At the last annual general meeting, the number of original shares amounted to 1,405, and the supplemental shares to 153; making together 1,558. At this day, the number of original shares is 1,567; so that it has been in the power of the council to annihilate all the supplemental shares, and to repay the whole of the money which had been advanced on them, amounting to the sum of 6,260*l.*

"At the conclusion of the report will be found a detailed statement of the receipts and expenditure of the past year. In addition to this, it will be satisfactory to the proprietors to have a general view of the finances briefly stated.

"The capital amounts to 158,667*l.* 10*s.*

"Arising as follows:—

	£.	s.	d.
Forfeited shares - -	400	0	0
1,567 shares - -	156,700	0	0
Donations - -	1,567	10	0
	<hr/>		
	£158,667	10	0

"Of this sum about 119,000*l.* as actually been received; and there is no doubt that the remainder will be made good when called for.

"The expenditure and liabilities may be thus stated:

	<i>£.</i>	<i>s.</i>	<i>d.</i>
and - - -	30,000	0	0
buildings - - -	86,000	0	0
furniture and fixtures	6,000	0	0
philosophical apparatus and collections of Natural History -	3,000	0	0
anatomical museum and other collections for medical school, and establishing the dispensary - - -	3,800	0	0
library - - -	1,900	0	0
salaries to professors	2,100	0	0
expenses of management, from the commencement to the 31st of December last, deducting 1,900 <i>l.</i> received at that date, as the proportion of the fees of students reserved for the University - - -	5,400	0	0

*£*137,500 0 0

"To the above sum the council contemplate additions as follows:—

library - - -	1,800	0	0
apparatus and museums	1,000	0	0
expenses of the present year for management, above the receipts expected from students and contingencies	4,367	10	0

*£*144,667 10 0

leaving an unappropriated balance about 14,000*l.*

"The above expenditure upon buildings of 98,000*l.*, does not include the finishing of the interior of the library, museum of natural history, and hall. The business of the university may, for the present, be carried on without them; but it is very desirable that they should be completed; more especially the library, as the room now applied to that purpose is far too small for the

reception of all the books which will soon be collected, and for the accommodation of the readers.

"To erect and fit up the whole building, with the proposed wings, and leave a surplus of 10,000*l.*, will require from 50,000*l.* to 60,000*l.* or 600 additional shares. Were this accomplished, the expenditure would not then much exceed two-thirds of the sum contemplated when the University was first proposed.

"With the strongest desire to pursue a rigid system of economy, the experience of the past year does not permit the council to expect that the business of the University can be properly conducted at a less annual charge than 5,500*l.*, exclusive of several expenses chiefly connected with the library and museums. The estimate is as follows:—

Salaries of warden, librarian, chief clerk, accountant, and collector			
two office clerks, and curators of museums and apparatus -	2,000	0	0
Housekeeper, messenger, beadles, watchmen, and women for cleaning - - -	700	0	0
Fuel, light, and housekeeper's petty disbursements - -	500	0	0
House repairs, and repairs of furniture -	600	0	0
Taxes, rates, and fire insurance - - -	400	0	0
Printing and advertisements - - -	600	0	0
Stationery, postages, and miscellaneous -	200	0	0
Dispensary (above fees and subscriptions) -	200	0	0
Contingencies - -	300	0	0
	<i>£</i> 5,500	0	0

"Judging from the average payments of the present session, it is calculated that 1,100 students

will cover the regular annual charge of the institution; every addition to that number will raise the value of the property to the shareholders:

"The number of students enrolled amounts to 557. Of these, 269 have entered for branches of general education; 123, for law only; and 165, for medical classes only. There are 100 in the Latin classes; 77, in the Greek classes; and 91, in the classes for mathematics. The students, who are attending the three last-mentioned branches, may be considered as only commencing their academical career, and destined to go through the course of general education. If the students of this description continue to enter in the same proportions as they have hitherto done, the number attending the classes of general education will next year be twice, in the following year three times, and in the fourth year four times as many as there are at present. This calculation may be considered as within rather than beyond the limits of a reasonable probability.

"The council consider that they have great reason to congratulate the proprietors on the number of the students. Notwithstanding the moderate rate of fees, the receipts from that portion of them which is reserved for the purposes of the University, have amounted to nearly one half of what it is expected will be the regular annual charge for conducting the establishment; 1,900*l.* having been received at the 31st of December, and about 780*l.* since that time.

5. RESTORATION OF YORK CATHEDRAL.*—A meeting was held in the concert-room at York, to take the opinion of the nobi-

lity and gentry of the county upon the best means of effecting the restoration of York cathedral. The heads of some of the most distinguished families in the county were present. The earl of Harewood, who was called to the chair, expressed a hope, that the county of York alone would supply funds sufficient for the restoration of the Minster. The rev. W. V. Vernon said, the present was the very earliest opportunity at which a report of the expense of restoring the Minster could be produced. He therefore would at once lay that document before the meeting: and he would add, that Mr. Smirke was himself present, to explain any thing, should explanation be required. The reverend gentleman then read Mr. Smirke's estimate, the substance of which was as follows:—He found that the side aisles of the choir were not injured; that nothing was left of the beautiful wooden screen work of the choir; that the stone screen at the altar was so injured that it must be taken down to be restored; that the stone clustered pillars were destroyed; that the piers were not materially weakened, and would be able to sustain the fabric without danger; that the great eastern window, and the side window, had sustained very little damage and would easily be repaired. As to the re-construction of the choir, it appeared to him most desirable that it should be done with the same materials, and after the same design, as its original and ancient ornamental work. He should recommend that a new roof be made of oak or teak, covered with lead; and that the interior of the roof be vaulted as before: that the prebendal stalls, &c., should be restored as much as possible after

* See *supra*, p. 23.

their former drawings, many of which are in the possession of the church. As to the expense, it was impossible to state the exact sum which would be required. In his opinion, the works, as he had recommended, would not cost less than, 60,000*l.*, exclusive of the expense of an organ and music-books. He had omitted nothing else; and if the works were intrusted to him, they would not exceed that sum. The roof might be completed before the expiration of the present year, and the restoration of the whole of the building before the expiration of the year 1831. The reverend gentleman having read the above statement, said, that the expense of an organ, books, and other furniture, would amount to about 5,000*l.* The Dean and Chapter concurred in Mr. Smirke's recommendation, and were determined not to depart from the beautiful models of the original state of the choir, which, for grandeur of effect and durability, could not be equalled. The reverend gentleman entered into a long explanation of the manner in which the funds of the chapter were employed, and concluded by saying, that, if funds for the repairs of the Minster were provided, the Dean and Chapter, as the guardians of the church, pledged themselves to its restoration to its former beauty. Several resolutions were then adopted, and a subscription was begun.

5. **PARRICIDE.** — *Newcastle.* — Jane Jameson, of the parish of St. Nicholas, single woman, was put to the bar charged with the wilful murder of her mother, Margaret Jameson, on the 2nd of January last.

The mother of the prisoner was a widow, and resided in the Keelmen's hospital in Newcastle. On the 2nd of January, the prisoner,

whilst in a state of intoxication, called on her mother, when some angry words took place between them. Whilst in this situation, another of the inmates of the hospital passed the door of the room occupied by the deceased, and saw the prisoner standing before her mother, presenting a poker at her, which she held in both her hands. In less than a minute afterwards, the old woman was heard to say, "Oh dear me!" and the daughter immediately called out, "My mother! — oh! my mother!" Assistance being procured, the deceased was found sitting on the floor, bleeding at the breast, and the prisoner standing behind her. She lingered till the 14th, during which time she often asserted that the prisoner had done it, but towards the close of her existence, she had been induced to alter her story, and declared that she received the wound by falling on the poker, whilst in a fainting fit. The medical men, who examined the body, found that the wound had been inflicted by the poker in a burning state, and that it had penetrated quite through the breast bone and entered the right ventricle of the heart. They gave it as their opinion generally, that the accident could not have been occasioned by a fall. After twenty-four witnesses had been examined, his lordship recapitulated the evidence at great length, and the jury, after a long consultation, found her *Guilty*. His Lordship immediately passed sentence of death on her. She was executed on Saturday morning, and her body given for dissection.

7. **EVIDENCE.** — *Oxford Assizes.* — Samuel Berry was indicted for having stolen, on the night of the 7th of February last, a pig, the property of John Buckingham, of

Handborough. — An accomplice, James West, was called, who stated, that, on the night in question, after leaving a public-house where he had been drinking with the prisoner, the prisoner said he would not go home without something, and asked the witness to go and look at two pigs belonging to the prosecutor. The witness was unwilling to go, but at last consented, and they went and waited at a place called the New Barn, till they saw the prosecutor put his light out. They then went and looked over the wall at the pigs; but witness said he did not like to have them.

Mr. Justice Park. — You did not like the complexion of them? — No, my lord; I told the prisoner so. He then asked me where the roadmen kept their tools. I told him; and then I got over the wall and got a pick-axe, and struck one of the pigs slightly, but did not hurt him much, and then struck him again; and, having got hold of him, lifted him over the wall to the prisoner. We then carried him home to the prisoner's house, about nine miles off, and having cut him up, put the meat under the stairs.

Cross-examined. — The prisoner compelled me to go with him, he dragged me. I did not wish to hurt the pigs.

Mr. Justice Park. — What did you strike them for? That the pigs should cry out? — Yes, my lord.

Mr. Justice Park. — What! that they should cry out and wake the owner, and make him get up and prevent you from taking them? — Yes, my lord.

Cross-examined. — I had none of the meat for my share. It was very good, as I tasted some that the prisoner's wife fried.

Several other witnesses were

then called, who had seen the prisoner and the witness together on the night of the robbery.

Mr. Justice Park then summed up the evidence, cautioning the jury against placing any confidence in the testimony of West, the only witness whose evidence affected the prisoner. — The jury, notwithstanding, returned a verdict of *Guilty*.

Mr. Justice Park. — Gentlemen, you have placed me in a very distressing situation by your verdict; not from any feeling that I entertain of the innocence of the prisoner, but on account of the impossibility of believing a word that has been uttered by that infamous witness West. I must request you to re-consider your verdict. If such testimony is to be received, our lives are in the hands of dangerous men. — The Jury then retired, and shortly returned a verdict of — *Not Guilty*.

INQUEST. — On Saturday afternoon an inquest was held at the sign of the Hog in Armour, Great Saffron-hill, before Thomas Stirling, esq. on the body of James Steward, a child only eight years of age, whose death was occasioned by drinking ardent spirit. — Sarah Beedle stated, that she knew the deceased child. His father was a deaf and dumb man, and got his living by fortune-telling. She was employed by him to look after his children. On Wednesday night, the deceased went to bed in good health, but the next morning said, he had the belly-ache, and could not get up. He was in bed all that day, and had nothing but a little porter. On the second day, at 12 o'clock, he died, having drank a quart of tea for breakfast, and eaten half a slice of bread and butter. No doctor was sent for, because it was not unusual for him to lie in bed

ay, and say he was ill. Has
own the child put to bed drunk.

frequently seen the deceased
ik, perhaps eight or ten times
in the last month, at night,
then he could not get up the
day. He drank a great deal of
and peppermint at home with
father, sometimes twice or
e times before breakfast, but
was not drunk when he went to
on Wednesday night. While
was ill, he did not eat any thing,
might have taken a few drops
irits. He was sometimes drunk
ie day-time, but a glass or two
not affect him.—The mother of
witness deposed, that she saw
deceased drink gin and pepper-
t twice, three parts of a glass
time, on the morning that he
. It was given him by his father,
the last time was about an hour
re his death.—The deceased's
r, a girl six years old, was after-
ls questioned by the coroner,
said, that, on the morning her
ber died, she fetched some gin
peppermint before breakfast,
they all had some. After
kfast she fetched half a pint
e, and then again went for a
; the whole of this, she said,
drank betwixt her father, Mrs.
lle, Sally Beedle, her brother,
was ill in bed, herself, and the
, eighteen months old. They
ys had some, whenever their
er had it, if it was twenty times
ay.—Mr. Cooper, a surgeon
examined the body internally,
sed that the pericardium was
h thickened, and contained an
ordinary quantity of fluid.
lungs were inflamed, the heart
considerably enlarged and dis-
i, and the symptoms were such
e had never before witnessed,
pt in adults. Death was evi-
ly caused by the disease of the

heart; and he had not the slightest
hesitation in saying that such dis-
ease was produced by drinking ar-
dent spirits. He knew a respect-
able tradesman's wife in the neigh-
bourhood who had given this fellow
no less a sum than 9*l.* to consult
the stars for her at different times,
before she was convinced he had
been imposing on her.

After a long discussion, the jury
returned a verdict "That the child
died from a diseased heart; and
that they had every reason to be-
lieve such disease had been occa-
sioned by excessive drinking."

The coroner said, that, had there
been any evidence to show that the
child had been intoxicated the
night before he complained of being
ill, he would have committed the
father to Newgate for man-
slaughter.

12. BURGLARY.—*Aylesbury*.—
William Dowsett, aged 30, was
indicted for having, in the night of
the 20th of November, 1827, bur-
glariously broken and entered the
dwelling-house of the Rev. Thomas
Jones, at Radnage, in this county,
and stolen therefrom gold and sil-
ver coin to the amount of 27*l.*, one
gold watch, one metal watch, two
gold rings, four gold seals, and divers
articles of plate and plated goods,
the property of the said Thomas
Jones.

The Rev. T. Jones examined.—
I am 78 years of age. I am rector
of Radnage, and reside at the rec-
tory. It stands at a distance from
the village, and alone. On the
20th of November, Mrs. Jones and
I went to bed about 11 o'clock;
my bed-room has two windows,
that nearest to the bed was always
fastened, and the other had shut-
ters up, but the bar was not fas-
tened. About two o'clock I was
alarmed, Mrs. Jones observing that

there was a noise in the house. I got out of bed, and heard a great noise at the window; I then put the shutter back, and immediately a man, with a crape on his face, presented himself, one hand resting on the window-seat, and the other brandishing an iron crow-bar over my head, threatening to murder me, if I made any resistance. I laid hold of the bar, but he kept hold of it, and, coming into the room, forced me back, and three other burglars instantly followed him. I reeled to the bed, where I fell, and he ordered me to go to bed. I replied, "I felt myself faint, and could not go." He then demanded my money, and I showed him my clothes by the bed-side, which he rifled, taking money and other things from them, and two rings from the dressing-table. In the mean time some of the others had forced open the wardrobe, from whence they took some dresses, and searched the drawers. Then they took two watches from the head of the bed, each having two gold seals and a gold chain. One of the men then demanded of Mrs. Jones where the plate was kept, and she pointed out a closet to them, at the same time observing to them that the articles were chiefly plated. The first man then forced the door of the closet, and brought thence a box, which he forced open and carried to the window, and delivered it to one of his accomplices, who was on a ladder, outside the window. That done, the man renewed his menaces to me, with dreadful imprecations, if I did not show him more money, threatening to beat out my brains. He had a dark lantern, and asked for my money, and I told him he must follow me across the passage, which he did. The lamp was at that time open, and

brilliant as a torch. In my dressing-room I showed him my bureau, which he forced open, and took thence a purse, with 24 or 25 sovereigns. We then returned to the bed-room, and two men were rifling the drawers. Mrs. Jones was still in bed. One of them then demanded of Mrs. Jones where her jewels were, and she pointed to a small nest of drawers, which he forced open, and took out some boxes; and while engaged in rifling them, the room was in a moment in utter darkness. The men had all white shirts over their persons. I could still distinguish two figures in the room, by their white shirts, and saw them jump from the window on to the lawn, 13 or 14 feet. I then sprang a watchman's rattle, and presently I heard some voices. On this Mrs. Jones and I left the room, and went up to the attics. Two persons then came to our assistance, after we had heard a scuffle on the lawn. We then struck a light, and I went down, and found one of the men in the custody of two persons. (This was a man, Saunders, who was executed last year for the burglary.) I think the man, who came in second and seized Mrs. Jones, had only a partial covering on his face. I did not particularly observe this.

Cross-examined. — I gave evidence against that man Saunders this time twelve months. I think I then swore that I did not know the persons of the men, because they had crape over their faces and white shirts on. The first man who came in had no covering over his eyes or forehead, but had over the rest of his face. He had a peculiar voice and a large forehead. (This was Saunders.) He never quitted me, and therefore was not the man who went to Mrs. Jones.

I have since seen another of the men in Reading gaol.

Mary Jones examined.—I remember being awakened on the morning in question, and I awoke Mr. Jones. We had a rushlight in the room. The windows were fastened by two bolts, but not the shutter. Mr. Jones got out of bed to fasten the door, but I saw him go to the window, whence the noise proceeded. I then heard Mr. Jones cry "Murder!" and a man entered by the window. I got out of bed, and immediately a second got into the room. He tumbled in. I was immediately seized violently by the back of the neck. I endeavoured to look up at the person who seized me, when the person topped my mouth with some disagreeable substance. This was not the first person who came in, as he was then engaged with Mr. Jones. It was the second person who came in. He said I must go to bed, and forced me on to the bed. The room is sixteen or seventeen feet square, the foot of the bed opposite the fire-place, the window on the right of the bed, and the door on the left. The rush-light was between the fire-place and the window; it was burning. A short man then entered: he was the third. The man who seized me was a taller man. I was readfully alarmed, but recovered immediately on reaching the bed. As I lay I looked up, and observed a man standing at the foot of the bed, just opposite to me. All the others were with Mr. Jones, and their language was so violent, that I begged them to spare his life. There was then considerable blaze of light in the room, proceeding from more than one lantern, which they had

with them. It was like an illuminated room; one was on the mantel-piece, and there was more than one other. The man stood at the foot of the bed about two minutes. My attention was particularly directed to him. He was looking towards Mr. Jones, and I saw nearly his full face. I saw one of his whiskers. I looked attentively at him, thinking he might be one of our neighbourhood; but I found he was a stranger. Before the end of the transaction, he left the room. I noticed his gait, which was particular, and his stature. He had a white frock on, but no mask. I have since seen that person,—first, at the public-office in Bow-street; I saw him with two other persons, and knew him instantly. He was not pointed out to me. The two others were strangers. I afterwards saw him at Wycombe, under examination, with five or six others. I instantly pointed him out. I afterwards saw him and recognised him at Aylesbury. [Mrs. Jones then looked round the court, and turning to the prisoner, pointed him out, observing, "That is the man whom I saw standing on that morning at the foot of my bed. I should have known him any where, so forcibly were his features imprinted on my memory: they can never be effaced. I should have known him in the streets of London."] I never saw his face before the night in question. He had not a crape over his face when I saw him; if he had when he entered, it had fallen off.

The jury immediately found the prisoner *Guilty*, and Mr. Baron Vaughan passed sentence of death on him.

18. FORGERY.—*Leicester*.—

John Williams, an attorney, lately residing at Liverpool, was indicted for having forged and counterfeited a certain deed, purporting to be an indenture of demise, for securing the sum of 650*l.* to one Elizabeth Mather, on certain lands and hereditaments in Birkenhead, in the county of Chester; also with having forged a certain receipt for the said sum of 650*l.*, purporting to be signed by William Garner. The case, as proved in evidence, was the following: The prosecutrix, a Miss Mather, had been on terms of intimacy with the wife of the prisoner, and happening to be on a visit at the prisoner's house about four years ago, she had told him that she had a few hundred pounds which she wished to put out at interest. Nothing more passed between them at that time, but, shortly afterwards, a person named Garner applied to the prisoner to procure him a loan upon mortgage of certain premises at Birkenhead. The prisoner upon that application wrote to Miss Mather, who resided at Nottingham, requesting her to send him the sum of 650*l.*, which, he stated, he had an opportunity of advantageously investing. Miss Mather did send that sum in Bank of England notes. The prisoner, however, instead of advancing the money to Garner, told him, that he had not been able to meet with the money, nor was any advanced out of the sum sent by Miss Mather. In the following August, 1825, however, a regular mortgage-deed was drawn by the prisoner, and engrossed by a law-stationer, and the prisoner affixed to it a name and seal, purporting to be Garner's, and added his own name as the attesting witness. After this had been done, the prisoner called

in a young boy of the name of George Williams, and desired him to affix his name as an attesting witness. This was done by the boy, and the deed being thus apparently complete, it was sent, together with the title-deeds of Garner's property (which had been placed in the prisoner's custody,) to Miss Mather. According to the covenants in the deed, the interest was to be paid half-yearly to Miss Mather, and on the 1st day of January, 1826, the first payment of interest became due. That payment was regularly made, but not by Garner, who was, of course, ignorant of the existence of the deed to which his name had been appended. On the 1st day of the following July, another half-year's interest became due. That was also regularly paid, and that carried the payment through 1826. In 1828, however, the interest for a year and a half was in arrear. In the mean time Miss Mather had married a Mr. M'Clelland, and he had made application to Garner for payment of the interest supposed to be due from him. Garner, of course, denied having ever executed any deed to Miss Mather, and in consequence an investigation was set on foot, which ended in the present proceeding. It would appear, that, shortly after the transaction between Miss Mather and the prisoner, a gentleman of the name of Manifold had offered to lend Garner 350*l.*, which was the sum for which Garner had applied to the prisoner, and which the latter had declared himself unable to procure. Garner had immediately accepted the offer of Manifold, and had instructed the prisoner to prepare the necessary deed for mortgaging the premises. The prisoner did draw a regular mort-

gage deed of Garner's premises at Birkenhead, and this deed was regularly executed by Garner. The deed was afterwards sent by the prisoner to Mr. Manifold, who paid the sum of £50l. to Garner. Mr. Manifold, thinking that all was right, did not for some time look into the parcel which contained the mortgage deed, but, when at length he did examine it, he found to his great surprise that the title-deeds, which ought to have accompanied the mortgage-deed, were missing. In consequence, an application was made to the prisoner, who declared that there was some mistake, and that the title-deeds must have been accidentally mislaid. His office was searched, but no title-deeds were found. The prisoner then suggested, that, as the title-deeds were lost, they should get Mr. Povall, of whom Garner had purchased the property, to make a new conveyance to Mr. Manifold. This was accordingly agreed to, and Mr. Povall made a new conveyance. Considerable expense was thereby occasioned, but the prisoner proposed to bear that himself, as it was through him that the deeds had been lost. The prisoner and Garner covenanted by a separate deed to make diligent search for the lost deeds, and in case they were found, to deliver them into the custody of Manifold.

The prisoner read a written defence. He began by stating, that notwithstanding the able assistance afforded him by his counsel, he should avail himself of the opportunity allowed him by law to address the jury. He called their attention to the circumstance, that it was not until a late act of parliament, that a person, whose name was alleged to be forged, was allow-

ed to give evidence of the forgery. He begged them to be cautious how they received the testimony of Garner. Were there not some inconsistencies in the evidence? Why should he expose himself to the observation of two witnesses, when one only would have been sufficient? Let them also consider his situation and character, at the moment when he was accused of having committed this crime. He was in a very prosperous practice, and had no necessity to have recourse to the measure imputed to him. His behaviour, since the charge had been made, ought also to be considered. He could have fled. He could have turned his property into money, and got away. Yet he had made no attempt to do, even when threatened by the letters of Mr. McClelland. He had a wife and four children dependent upon him (the prisoner here became greatly affected), who, in case he were found guilty, would not only be deprived of his assistance, but would also be weighed down by the infamy which must in consequence be attached to his name. He had depended upon the witnesses called against him; but their evidence had disappointed him, and he therefore threw himself upon the mercy of the Court, and the impartial consideration of the jury. Mr. Justice Bayley summed up the case. The foreman of the jury requested that they might see the real signature of Mr. Garner, in order that they might compare it with the signature alleged to have been forged. Mr. Justice Bayley desired Mr. Garner to write his name on a piece of paper in the manner in which he usually signed it. He did; and the signature, together

with the deed, were handed to the jury. The jury then retired, and, after a deliberation of about a quarter of an hour, returned into court, and gave a verdict of *Guilty*, strongly recommending the prisoner to mercy.

16. ATTEMPT TO MURDER.—
DORCHESTER.—William Kennedy, aged 19, a private in the 5th Dragoon Guards, was indicted for shooting at the rev. H. Willoughby, on the night of the 29th of November last, with intent to murder him; and in other counts he was charged with shooting, with intent to disable the prosecutor, or do him some grievous bodily harm.

The rev. Henry Phillip Willoughby, a young man about twenty-five years of age, examined.—I reside at Dorchester, and was at Weymouth on the 28th of November last. I returned about half-past eight at night, on horseback: it was a grey horse. When I arrived at Ridgeway-hill, about five miles and a half from Weymouth, I perceived a man walking on the left hand side of the road. When I came up to him, he stepped forward, and without uttering a word, shot me. My body was inclined towards him at the time, and I could see from the flash of the powder that he wore the dress of a soldier; he had on a red jacket with a dark collar. The light was so momentary I could not discover his countenance, but I perceived that the instrument he held in his hand had a great deal of brass on it. I felt myself wounded, and, upon the shot being fired, the horse became very much terrified, plunged, and set off at full speed for Dorchester, and I must have arrived there in a quarter of an hour. It was then about a quarter before ten. I was examin-

ed before Mr. Wollaston, and was in a very weak state at the time. The Magnet coach passed me a little outside Weymouth. I can't swear whether the instrument was a carbine or a pistol: the night was dark, and I was very much exhausted.—Mary Purchase: I was in company with the prisoner on the night of the 28th of November, about eight o'clock, or a little after. I heard the barrack trumpet sound at seven. I asked him, if he was going to the stables. He said he was not going until four in the morning, as he had a pass until that hour.—Mr. Devenish: I live at Weymouth, and I was travelling by the Magnet coach on the night of the 28th of November; I was on the box; the coach had lamps. When we got to Monckton-hill, about two miles and a half from Dorchester, about nine o'clock, I observed a person, in the dress of a soldier of the fifth dragoons, standing at the bottom of the hill. A part of that regiment is stationed at Weymouth, and I had remarked the uniform before. What struck me particularly in the person I observed was the yellow stripe down the side of the trousers. The coach arrived at Weymouth a little before ten. The lamps of the Magnet gave me an opportunity of seeing the dress of the person on the road. I passed a person on horseback near the turnpike-gate at Weymouth. It was a grey horse he rode.—Michael Tynning: I am sergeant-major of the fifth dragoons, and belong to the detachment at Weymouth. I remember the roll being called over about half-past eleven on the night of the 28th of November. I was called up for that purpose. There was one man missing, named William Rooth. I searched for him, and found him at

Weymouth. He had not leave to go out that night. The barrack-wall is very low, and the men can get over. I found the man at a house of ill fame with a girl. — Lieutenant and adjutant John Griffin, of the fifth dragoon guards: The prisoner is a soldier in that regiment, and is in captain Hunter's troop. I remember his showing me a pass about six o'clock in the evening on the 28th of November. On the night of that day an application was made to me by the last witness, about twenty minutes after ten. He told me the rev. Mr. Willoughby had been shot by a soldier, and, in consequence of that, I had the roll called; all the men were there but the prisoner. I went round to all the rooms. My attention was afterwards directed to the armoury, and, on searching there, I missed the prisoner's pistol. According to the regimental practice, ten rounds of ball-cartridge are allowed to each man; but five rounds of the prisoner's ammunition were missing, and the powder of the other five rounds. Directions were given to place men inside the barrack wall which divides the barrack from Mr. Henning's straw-yard, to prevent any one coming in by that way. The prisoner came in through the gate at half-past eleven at night. He was perfectly sober. By a regimental order, no man can pass the gate to go into town without wearing his sword. The prisoner could not have gone without it. When he came back, he had it on. Every man ought to be in the barracks at nine o'clock, unless he has a pass. I searched the prisoner, but found nothing on him. He was asked by me, where his pistol was. He seemed astonished, and said he knew nothing

at all about it; but he thought it was on the arm-rack in his room. The arms are inspected once a week, for the purpose of being kept in order; and it is expected that the men should keep their arms clean. The men are allowed to leave the stables at eight, and must return at nine o'clock. The arms of each man are not locked up, but placed on numbered pegs, to which every man may have access. The prisoner gave me the pass when he came, and did not appear agitated. Serjeant John Cahusac inspected the arms on the morning of the 28th of November, and saw the prisoner's pistol on the rack in the armoury. — Richard Amy: I was a watchman in Dorchester on the night of the 28th of November last. About half-past ten that night I saw the prisoner passing through the Market-place, under the arch. I had heard of a gentleman being shot that night. I said to the prisoner (taking hold of him), "you are doing wrong, soldier, by being out of barracks at such a time," and that it was after hours, and the roll was going to be called. I added, that a most serious accident had happened, and that I had heard that a person had been shot. I had no lantern at the time, when I spoke to the prisoner. He produced a pass. I also observed that he had something in his hand. It looked like a pair of trousers rolled up. He had not his sword on at the time. I saw the prisoner on the following morning at the barracks, and pointed him out from a number of soldiers. There was another watchman with me, and he was about sixty yards off, when I took the prisoner by the arm. — Mr. Thomas Combes: I am clerk to the magistrates of Dorchester. I was present at the

examination of the prisoner before the magistrates, who cautioned the prisoner that what he had to say might be used as evidence against him, and that he was not bound to say any thing unless he thought fit. A passage of the deposition was then read, in which the prisoner said, when questioned by the magistrates—"I know no more of the man than any other soldier in the regiment; I did not see the watchman, and if he saw any other person, it was a curious thing he did not take him."—Mr. H. Jacobs: I live at Dorchester; on the 1st of December I made a search for a pistol, near the barrack wall, and I found the pistol now produced, in a large straw-rick in a yard adjoining, which belonged to Mr. Henning. To gain access to this yard a person must go through the gates, but there could be no difficulty in going in. The pistol was concealed so near to the barrack wall, that a person might have got over easily, and taken it. On examining the pistol, and putting in a piece of tow, it came out very black, and when the lock of the pistol was put back a little, a few grains of powder fell from it. The touch-hole was foul; the other parts exhibited nothing particular.—Mr. W. D. Trapp, a surgeon in Dorchester, was called up on the night of the 28th of November to see Mr. Willoughby, and extracted a ball from his left side. It had entered just below the region of the heart, and passed across the chest, between the integuments, and lodged in the right side. The wound was a very dangerous one, and Mr. Willoughby was in danger for two or three days; but no vital part was affected. Serjeant Cahusac stated, that the prisoner was in the habit of firing his pistol at the

riding-school. Witness had seen his pistol clean that morning between seven and eight o'clock; and to the best of his knowledge the prisoner was in the riding-school between those hours; but he could not say whether he used his pistol during that time. Ball-cartridge is not used in the riding-school. The powder used there is delivered out from the quartermaster's store. Mr. Jacobs produced the pistol he found, and the former witness deposed that this pistol had the prisoner's number (22) upon it, and he believed it was the prisoner's. Each soldier's number was different. The ball produced fits this pistol, and answers to the regimental balls. It is like the other regimental ball produced, but it is a little altered by passing through the pistol. The pistol is marked "5 D.G. No. 22." The regimental pass given to the prisoner was then put in and read; it was to the following effect:—"Wm. Kennedy has liberty to be absent from the barracks until one o'clock on the morning of the 29th of November.

(Signed) "Captain HUNTER.
"Serjeant-major Cahusac."

When called on for his defence, the prisoner said, that he knew nothing of the concern, nor could he account for his pistol and ammunition being missing. The pistol was on the rack at twelve o'clock on the day in question, and he saw the ammunition the day before; any other soldier might have taken the pistol and ammunition. He was at the Wood and Stone Inn, at Dorchester, with Mary Purchase, until nine o'clock on the night in question, and he should wish to have the landlady examined as to that fact.—Mrs. Masters stated that she kept the Wood and Stone Inn, at

Dorchester. She saw a soldier pass through the kitchen with a woman on the night in question; but she did not recollect his features. Mary Purchase is the woman who was with him. It was between seven and eight o'clock. They sat at the house, and remained half an hour. They left about eight o'clock. She never told the sergeant that he was there until near nine o'clock.—Serjeant Cahuc was re-examined: He stated that he called at the Wood and Stone Inn on the 29th of November, and Mrs. Masters told him, there had been a soldier and a woman at the inn at half-past eight, or a quarter to nine, on the night of the 5th of November.—Lieutenant Griffin, in re-examination, stated, that part of the road from Dorchester to Weymouth was chalky, and likely to leave whitish marks on coats or shoes. He examined the prisoner's boots on the night in question: they and his spurs were very dirty, but they had not the slightest appearance of chalk. His stockings were wet from perspiration.—Mr. Combes stated that there was gravel on the road above alluded to.—The jury, after a short absence from the box, returned a verdict of *Guilty*.—When the clerk of the Arraignment asked the prisoner, he had any thing to say why sentence of death should not be passed against him, he said: "Is there any man, woman, or child in the court, who can swear that I committed this offence?" The prisoner pronounced this without appearing in the slightest degree moved by the verdict which had just been given against him. Sentence of death was then pronounced.

18. MURDER.—*Lancaster*.—John Latimer was indicted for the wilful murder of George Howarth,

—Thomas Bolland, watchman at Manchester: On the morning of the 11th of October last, I was on duty in Oldham-road. At about half past three o'clock, I heard the sound of a rattle in George's-road. I went to that street. I there found George Howarth, the deceased, standing with his hands pressing on his belly. He said, "Oh dear, I am stuck." I then sprung my rattle, and the captain of the watch, came up. We took Howarth to the infirmary.—Cyrus Allcock, a police officer: About half-past three in the morning of the 11th of October I was called up on account of Howarth. The same morning, about half past two o'clock, I had seen the prisoner at the lock-ups. The prisoner had rapped me up, and wished me to go with him, as he said he had been robbed of 3s. 6d. by a girl in Angel-meadow. I told him that the watchmen went on their beats, and that he ought to apply to them. He said he had done so; but they would not go with him. He seemed to have had a good deal of liquor and I told him to come to me again in the morning. Whilst the prisoner was with me, the deceased and a person of the name of Jackson came in, and heard part of my conversation with the prisoner. The deceased took the prisoner by the collar, and said—"come my friend, go about your business." They all went out together. There was a good gas-light in the place, and I have no doubt that the prisoner was the man. It was my turn at the lock-ups that night, and the deceased was not there that night, except when the prisoner was there.—Joseph Jackson a watchman, was on duty in Miller-street, Manchester, on the 11th of October. At about twenty mi-

nutes after twelve the prisoner came to me, and asked me to go along with him, as he had been robbed of 3s. 6d. in Angel-meadow, by a woman, who had taken the money out of his waistcoat pocket. I refused to go with him, as the place was not within my round, and referred him to the watchman of the district. The prisoner then said, he would go to Mr. Lavender, and would get an officer. I afterwards went to the lock-ups, where I saw the prisoner. The deceased was also there. Allcock tried to get the prisoner out, and the deceased took hold of the prisoner and assisted in getting him out. The deceased and I walked about 20 yards with the prisoner and then left him. The prisoner returned to the lock-ups, and commenced knocking at the door a second time. Deceased again went up to him and desired him to go about his business. Prisoner would not go, and Howarth then took him by the collar and swung him from the door. Prisoner still hesitated, and deceased then struck him two blows with his stick. The blows were slight, one on the hat, and the other on the back. The prisoner soon afterwards went away in the direction of Swan-street, which is in a contrary direction to Angel-meadow. It wanted about twenty minutes to one o'clock, when the prisoner went away. I saw Howarth about half-past three. He had been stabbed. — Mr. William Guest, house-surgeon at the Manchester infirmary, was called up at four o'clock on the morning of the 11th of October to attend the deceased: I found him wounded in the belly, and part of the intestines protruded from the wound. He told me he thought he should die, and I believe that that was the impression on his

mind. It was also my opinion: I had no hope of his recovery. He grew worse before I left him. He told me that he had been stabbed with a carving-knife, and the wound was such as an instrument of that nature was likely to inflict. I saw him several times on the following day. He died at seven in the evening of that day. The wound was the cause of his death.

Mary Longbottom, night nurse of the Manchester infirmary: Howarth was brought there about four o'clock on the morning of the 11th of October. About a quarter of an hour after Mr. Guest went to bed, I asked the deceased how he came by the wound, and he told me that it was by a man who had been with a bad woman in Angel-street, and had lost his money; that he had come to him (deceased) to get the money back, and he had refused to go; that they had had some words, and then the man had gone to the lock-ups, and insisted upon some one going with him; that the man had been refused at the lock-ups, and that he (deceased) had pulled the man away, and then left him; that, about three in the morning, the man had come up to him and stuck a knife into him; that he (deceased) was not aware of what the man was going to do, or he could have prevented him.

Ann Leach, a day nurse at the Manchester infirmary, attended the deceased after the night nurse left him: — In the morning I asked him if he knew how the accident had happened, and if he knew the man who did it. He said, "I know him well enough by sight." I then asked if he could swear to the man if he saw him, and he said he could, and so could the man at the lock-ups. I asked if there had been any griev-

ance between them before, and he said, "a little in the beginning of the night." He then described the circumstances of the affray as detailed by last witness. He said that the man was a small man, with a blue coat and black waistcoat.—Mr. Lavender, deputy constable of Manchester: First heard of the death of Howarth on the 12th of October. I sent hand-bills to Carlisle, and afterwards, on the 18th, went to Carlisle myself. I found the prisoner in custody there, and brought him back to Manchester. I found out the prisoner's lodgings at No. 1, Monday-street, Oldham road, Manchester, kept by a man named Peacock. The carving knife, which I now produce, was delivered to me by Peacock.

Benjamin Batty, a police-officer at Carlisle, in consequence of information received from Manchester, caused a search to be made for the prisoner in Carlisle, and he was apprehended. The prisoner told witness, he had not been absent from his lodgings more than ten minutes on the night when deceased was stabbed.

Cross-examined. — I found that the prisoner had a wife living in Queen-street, Carlisle. I found there a letter which prisoner had written to his wife, stating that he should come home about that time. The letter now shown me is that which I found. It has the Manchester post-mark of 6th October, and is directed Ann Latimer, Caldergate, Carlisle.

John Peacock. — I remember Howarth's death. I lived at that time at 1, Monday-st., Manchester. The prisoner lodged with me for about six or seven weeks, and worked for me also. On the night of Friday, the 10th October, the prisoner went out. It had gone

eleven when I went to bed, and the prisoner had not then returned. I saw him about eight o'clock the next morning at work. Prisoner left my house on the Sunday morning. He did not tell me that he was going. A large knife was delivered to Mr. Lavender in my presence. It was in common use at my house.—Cross-examined.—The prisoner had been working hard that week. Sometimes, when all is straight between masters and journeymen, the latter leave without notice. Prisoner behaved well at my house. He was a quiet peaceable man.

James M'Cormick.: was a lodger in Peacock's house all the time Latimer was there. On the night of the 10th of October, I went to bed a little before twelve. Just after the watchman had gone one o'clock, prisoner knocked at the door, and I got up and let him in. When I had let him in, I locked the door and left the key in the lock. Prisoner told me to get to bed and he would follow me. I left him smoking his pipe by the fire-side, Prisoner slept in the same bed with me. I fell asleep and cannot say what time the prisoner came up, but I awoke two or three times in the course of the night, and the prisoner was then in bed. I set the prisoner on his way to Carlisle on the Sunday.—Cross-examined.—I was present the Sunday before, when the prisoner wrote to his wife telling her that he was going home. He made no secret of going to Carlisle. At Bolton we saw many persons to whom he was known, and he told them he was going to Carlisle. The prisoner was a quiet peaceable man. I never knew him wear a light waistcoat. By the Court.—I have no reason to suppose that the pri-

soner went out after I let him in. I cannot form any idea as to the time when I first perceived the prisoner in bed, as we had no clock and I did not hear the watchman. He might have gone out and come in again without my hearing him, if I was asleep. The prisoner did not tell me where, or with whom, he had been the night before. As nearly as I can guess, our house is about a mile from Mason-street, where Howarth was stabbed.—John Donovan, a watchman, was on duty in Monday-street on the morning of the 11th of October. I saw prisoner kick at No. 1, in Monday-street, about twenty minutes past one. I told him he should not be making a noise at that time of night. He said something about watchmen and appeared dissatisfied. Prisoner was then let in. I was afterwards going my round in Oldham-road, about half past two, and I saw the prisoner there. I took particular notice of him. I held my lantern up to his face and looked at him. He said he could not see his way for the lantern. I did not see him afterwards, until I saw him at the New Bailey. The place where I last saw him was about 300 yards from Monday-street, and nearly half a mile from Mason-street.

By the Court.—I am sure the prisoner is the man I saw kicking at the door in Monday-street. I was quite sure it was he, when I saw him at the New Bailey. [The judge here referred to the depositions before the magistrates, by which it appeared that the witness had then said, that he could not swear to the man whom he saw in Monday-street, as he had not seen his face.] I do not know whether I told Mr. Milne that I could not swear to the man, because I had not seen his face. I might have told him so.

Mary Johnson: I live in Simpson-street, Angel-meadow, Manchester. A girl of the name of Eliza Moorhouse, lodged in my house for two nights—the 9th and 10th of October last. About half-past eleven on the night of the 10th, the prisoner came to my house, and inquired for the girl with sandy-coloured hair. Moorhouse has sandy hair. I let prisoner in, and showed him Moorhouse's room. He staid a few minutes; and, when he came out, he said he was going for some change he had left in the next street. He came back in a few minutes; and after staying a short time in Moorhouse's room, he again left the house. It struck twelve, as he went away. Between two and three in the morning, I heard a knocking at the door. I got up, and asked who was there? and was answered, "I am the person that was here before to-night." I told the man to go home, and he said, he would stop at the door all night and wait for her, and would have her life. I told him if he did not go away I would send a man out who would shift him sharply. He said, if I did, the man should not be a man long. I knew the voice again. He talked like a Scotchman. I believe the prisoner at the bar to have been the man. It struck three when the prisoner went away. My house is about 200 yards from Mason-street.

Cross-examined.—Another man came whilst the prisoner was there, and stopped a few minutes. There was another man came, and stopped all night; but he did not hear what passed between the prisoner and me. I just saw the prisoner, and that was all. The prisoner did not say that he had been robbed of money.

By the Court.—I am not sure at I did not swear before the corner, that I could not tell the man pain, if I saw him. He had on stian trowsers, torn across the knee; but I do not remember the rest of his dress. I do not recollect saying so. [It appeared, by a deposition taken before the prisoner, that she had said she could not tell the man again.] I will not swear I did not say so: I might. I do not know what sort of a hat the man had on.

Mr. Batty recalled.—The prisoner, when apprehended, wore an old pair of fustian trowsers, which had been broken across the knee, it had been mended.

Cyrus Allcock was recalled, to prove that Eliza Moorhouse had died since the 11th of October. Witness saw her corpse in the Liverpool Infirmary.

Mr. Lavender produced the carving-knife which had been taken at Peacock's house; and Mr. Guest, the surgeon, stated that it would inflict such a wound as that which had caused the death of deceased.

This was the case for the prosecution.

The prisoner read a well-written defence, in which he asserted his innocence of the crime of which he was charged.

Charlotte Kinley examined.—On October last I was Peacock's housekeeper. The carving-knife now produced was in the cupboard on the Friday night (11th of October.) I saw it there at five o'clock, and I saw it again on Saturday morning, in the same place. I heard M'Cormick let the prisoner out that night, and did not hear him go out again. I slept up stairs over a door which makes a great noise on opening. He could not have unlocked the door without my hear-

ing him. The jury found the prisoner, Not Guilty.

21. DUEL BETWEEN THE DUKE OF WELLINGTON AND THE EARL OF WINCHILSEA.—In consequence of the part which the duke of Wellington took, as minister, in bringing in the Catholic Relief bill, the earl of Winchilsea, who was on the other side, addressed a letter, on the 14th March to the Secretary of the committee for establishing the King's College, London, which contained the following passage: "I was one of those who, at first, thought the proposed plan might be practicable, and prove an antidote to the principles of the London University. I was not, however, very sanguine in my expectations, seeing many difficulties likely to arise in the execution of the suggested arrangement; and I confess that I felt rather doubtful as to the sincerity of the motives which had actuated some of the prime movers in this undertaking, when I considered that the noble duke at the head of his majesty's government had been induced, on this occasion, to assume a new character, and to step forward himself as the public advocate of religion and morality.

"Late political events have convinced me, that the whole transaction was intended as a blind to the Protestant and high-church party, that the noble duke, who had, for some time previous to that period, determined upon 'breaking in upon the Constitution of 1688,' might the more effectually, under the cloak of some outward show of zeal for the Protestant religion, carry on his insidious designs for the infringement of our liberties, and the introduction of Popery into every department of the State." This letter was published in the newspapers. In reply to an application

from the duke, lord Winchilsea avowed it; stating that, as he had publicly supported King's College, he thought it his duty to say publicly why he had ceased to do so. The following Correspondence then ensued:—

(5) *From the DUKE OF WELLINGTON to the EARL OF WINCHILSEA.*

“ London, March, 19.

“ My Lord,—I have had the honour of receiving your lordship's letters of the 18th instant. Your lordship is certainly the best judge of the mode to be adopted of withdrawing your name from the list of subscribers to the King's College. In doing so, however, it does not appear necessary to impute to me, in no measured terms, disgraceful and criminal motives for my conduct in the part which I took in the establishment of the College. No man has a right, whether in public or in private, by speech or in writing, or in print, to insult another by attributing to him motives for his conduct, public or private, which disgrace or criminate him. If a gentleman commits such an act indiscreetly, in the heat of debate, or in a moment of party violence, he is always ready to make reparation to him whom he may thus have injured. I am convinced that your lordship will, upon reflection, be anxious to relieve yourself from the pain of having thus insulted a man who never injured or offended you.—I have, &c.

(Signed) “ WELLINGTON.”

“ The Earl of Winchilsea and Nottingham.”

Sir Henry Hardinge delivered the letter No. 5, to the earl of Winchilsea, and was referred by his lordship to the earl of Falmouth. The following memoran-

dum, No. 6, contains the substance of the communication made by Sir Henry Hardinge to lord Falmouth.

(6.)—*Memorandum of SIR H. HARDINGE.*

“ March 19, 8 o'clock, evening.

“ Lord Falmouth having expressed a desire to know the extent of reparation that would be expected, two suggestions of what appeared to Sir Henry Hardinge to be the most natural mode of reparation were drawn out, upon the distinct understanding that they were not made with a view to confine lord Winchilsea's explanation either as to the terms or manner therein stated, but as suggestions as to the course which might be pursued in bringing the matter to a satisfactory conclusion. Sir Henry Hardinge, therefore, on the part of the duke of Wellington, expects one of the two following alternatives:— Either that lord Winchilsea should forthwith write to the Secretary of the King's College, and express his desire to withdraw his public letter, as one which attributed motives highly offensive to the duke of Wellington, and stating also that upon reflection he was not justified in attributing such motives to his grace, and therefore expresses his regret at having done so; or, that lord Winchilsea should write directly to the duke of Wellington himself, and make the same acknowledgments to his grace, with a similar expression of his regret for having attributed motives highly offensive to his grace, relating to the occasion of his grace having presided at the meeting of the King's College——last——.

[Which motives he is now sensible he was not justified in imput-

ing to his grace.*] In either case, it is expected that a letter, so written, should be published by the Secretary of the London College in the *Standard*, being the same paper as that which contained lord Winchilsea's original letter.

"Thursday, half-past nine o'clock evening."

* "Friday morning, March 20. —The paragraph within crotchets [] was not desired to be retained, in the last interview with lord Falmouth, last night.

"HENRY HARDINGE."

(7.) *Memorandum of EARL WINCHILSEA.*

"March 19.

"Whether I may determine to give an explanation of my letter published in the *Standard* on Monday last, will depend upon the correctness of my belief that I had grounds for the opinions complained of by the noble duke as therein expressed. I am ready to allow that I was mistaken in my view of the noble duke's conduct, as expressed in my public letter to Mr. Coleridge, on the 14th instant, and to state my regret at having so expressed it, provided the noble duke will state, on his part, that, at the time he came forward to preside at the meeting for the establishment of King's College, London, he did not contemplate the measures which are now in progress for Roman Catholic emancipation — or, to use Mr. Peel's words, 'for breaking in upon the Constitution of 1688;' but without some statement to that effect from the noble duke, I cannot withdraw the expressions contained in the above letter.

(Signed) "WINCHILSEA."

(8.) *Memorandum of the DUKE OF WELLINGTON.*

"London, March 20, in the morning.

"Sir Henry Hardinge has read me a memorandum, written by lord Winchilsea, and delivered to him by lord Falmouth, from which it appears that his lordship is anxious that I should justify myself from the charges against me contained in his lordship's address to Mr. Coleridge, published in the *Standard* newspaper. I may lament that a nobleman, for whom I feel the highest respect, entertains a bad opinion of me, but I don't complain, as long as that opinion is not brought before me. I cannot admit that any man has a right to call me before him to justify myself from the charges which his fancy may suggest. That of which I complain is, that the earl of Winchilsea and Nottingham should have published an opinion that I was actuated by disgraceful and criminal motives in a certain transaction which took place nearly a year ago. His lordship, unprovoked, has insulted me by stating in writing, and authorizing the publication of this opinion. For this insult I believed, and am not willing to part with the belief, that his lordship will be anxious to give me reparation.

(Signed) "WELLINGTON."

(9.) *Memorandum of SIR HENRY HARDINGE.*

"Friday, March 20.

"Sir Henry Hardinge delivered to lord Falmouth a memorandum on the 20th of March, from the duke of Wellington, in reply to one from lord Winchilsea last night; in the latter of which it was proposed, as a preliminary to any ex-

planation, that the duke of Wellington should disclaim having contemplated the intentions attributed to his grace by lord Winchilsea, which mode of reparation was considered inadmissible. In the memorandum of the duke of Wellington his grace states that his cause of complaint is in the publication of opinions highly offensive to him. Whenever, therefore, any terms or mode of reparation which lord Winchilsea may be disposed to offer are communicated to Sir Henry Hardinge, he will make them known to the duke of Wellington, and inform lord Falmouth whether they are satisfactory or not.

"HENRY HARDINGE."

"N. B.—*The original of this delivered to lord Falmouth.*"

(10.) *Memorandum of the EARL OF FALMOUTH.*"

"*March 20, one o'clock.*

"Out of respect for the duke of Wellington, lord Falmouth has taken to lord Winchilsea the duke of Wellington's memorandum, put into his hands by Sir Henry Hardinge this morning at the War-office, with Sir Henry's own note thereon. In reply, lord Winchilsea does not feel himself in a situation to comply with the expectation therein expressed, as to the withdrawal of his public letter. Lord Winchilsea therefore desires that lord Falmouth will decline so doing on his (lord Winchilsea's) behalf.

"WINCHILSEA."

(11.)—*Memorandum of SIR H. HARDINGE.*

"*20th of March, two o'clock.*

"My Lord,—I feel it to be my duty, before I make a final communication to your lordship, to ascertain beyond the possibility of a doubt, that lord Winchilsea de-

clines to give the reparation which the duke of Wellington considers himself entitled to receive.

"I am, my lord,

your obedient servant,

"HENRY HARDINGE."

"*The Earl of Falmouth.*"

(12.)—*From LORD FALMOUTH to SIR H. HARDINGE.*

"*London, March 20, 1829, half-past 3 p. m.*

"Sir,—In reply to your note, stating that you wish to ascertain positively whether lord Winchilsea declines to give the reparation which the duke of Wellington considers himself entitled to receive, I feel myself unable to say more than to refer you to the note which I delivered to you, assigned by him, in answer to the duke of Wellington's memorandum this day; and that if by the word "reparation" any withdrawal of lord Winchilsea's public letter, or expression of regret for its contents, be expected, he does not feel himself in a situation to comply with such expectation.

"I am, Sir,

Your obedient humble servant,

"FALMOUTH."

"*To Sir Henry Hardinge.*"

(13.)—*From SIR H. HARDINGE, to the EARL OF FALMOUTH.*

"*11, Whitehall-place, March 20.*

"My Lord,—I send your lordship a letter from the duke of Wellington to lord Winchilsea, communicating to his grace the note of 3 p. m., declining on lord Winchilsea's part, to make any reparation or give any explanation, &c. of his lordship's conduct towards the duke of Wellington, and in order to avoid the possibility of any mistake, I repeat what has already been verbally arranged between us, that the duke of Wel-

on will be at the place appointed at eight o'clock to-morrow evening."

"H. HARDINGE."
the Earl of Falmouth."

—From the DUKE OF WELLINGTON to LORD WINCHILSEA.

"London, March 20,
half-past six p. m.

My Lord,—Sir Henry Hardinge has communicated to me a memorandum signed by your lordship dated 1 p. m., and a note from lord Falmouth dated 3 p. m. as the insult, unprovoked on my part, and not denied by your lordship. I have done every thing in my power to induce your lordship to make me reparation—but in vain. Instead of apologizing for your own conduct, your lordship has called upon me to explain it. The question for me now to decide is this—Is a gentleman obliged to submit to be insulted by a gentleman who thinks proper to attribute to him disgraceful or immoral motives for his conduct as an individual? I cannot doubt of the decision which I ought to make on this question. Your lordship is alone responsible for the consequences. I now call upon your lordship to give me that satisfaction in your conduct which a gentleman has a right to require, and which a gentleman never refuses to give.

"I have the honour, &c.
(Signed) "WELLINGTON."
the Earl of Winchilsea and Nottingham."

)—From LORD FALMOUTH to SIR H. HARDINGE.

"London, March 20, 1829,
half-past 11 p. m.

"Sir,—When I received the perusal of your note, with its en-

closure, soon after eight o'clock this evening, I had just sat down to dinner, and being in company, I could not read it without exciting some suspicion till some time afterwards. I had then to find lord Winchilsea—all which I mention in excuse for delay, in case you should think it of importance; but I apprehend that after an arrangement made before five o'clock this afternoon, his grace's letter to lord Winchilsea, calling upon him for satisfaction in the usual way, was meant merely as a customary form on such occasions. All matters will take place of course to-morrow morning at eight o'clock, according to that arrangement.

"I have the honour to be,

"FALMOUTH."

"To Sir H. Hardinge."

(16.)—From LORD WINCHILSEA to the DUKE OF WELLINGTON.

"Suffolk-street, Friday night,
11 p. m.

"My Lord,—I have the honour to acknowledge the receipt of your grace's note. I have already had occasion to communicate to your grace, that under existing circumstances, I did not feel myself in a situation to comply with what was required of me in regard to my public letter. The satisfaction which your grace has demanded, it is of course impossible for me to decline. I have the honour to be your grace's most obedient humble servant,

"WINCHILSEA."

"To his Grace the Duke of Wellington."

The duke of Wellington and lord Winchilsea met at the place appointed this morning (March 21). The parties having taken their ground, lord Winchilsea received the duke of Wellington's fire—and fired in the air. After some dis-

casion the accompanying memorandum was delivered by lord Falmouth to Sir Henry Hardinge, and accepted by Sir Henry Hardinge as a satisfactory reparation to the duke of Wellington:—

(17.)—*Memorandum above referred to.*

“*March 21.*

“Having given the duke of Wellington the usual satisfaction for the affront he conceived himself to have received from me, through my public letter of Monday last, and having thus placed myself in a different situation from that in which I stood when his grace communicated with me, through Sir Henry Hardinge and lord Falmouth, on the subject of that letter, before the meeting took place, I do not now hesitate to declare, of my own accord, that, in apology, I regret having unadvisedly published an opinion which the noble duke states in his memorandum of yesterday, to have charged him with disgraceful and criminal motives in a certain transaction which took place nearly a year ago. I also declare, that I shall cause this expression of regret to be inserted in the *Standard* newspaper, as the same channel through which the letter in question was given to the public.”

21. EARTHQUAKE.—A shock of an earthquake was felt at Madrid, but it was much more severely felt in the province of Murcia. The accounts from that quarter, state, that in Murcia, the provincial capital, there is not one of the churches, nor a single edifice which has not been considerably damaged; the bridge of Segura, which unites the two portions of the town, has been shattered. Many houses have been thrown down, and a

number of individuals perished. At Carthagena, the quarter of La Sevieta, is completely demolished, St. Fulgentio has altogether disappeared. Rojas, La Granga, Lox, San Miguel, Callosa, and several other towns and villages, have suffered greatly. La Mata is a heap of ruins. The earthquake has dried up its two salt lakes.—In Torre-Vieja, not a single house is left standing. The number of dead and wounded of its inhabitants is very considerable.—In Orihuela, some of the buildings are overthrown: but the number of lives lost amounts to only seven. The remainder of its inhabitants are encamped in the fields.—Guardamar is no longer in existence. Only two of its windmills retain their position. The village has entirely disappeared.—Majada, and several other villages in the neighbourhood, have suffered greatly.—Rafal is totally ruined; and the number of dead and wounded is immense.—In Aix-Garres, several houses have been overthrown by a mountain adjoining that village having given way. A number of individuals lost their lives.—In Benejuzar, most of the houses are thrown down, and the number of wounded is considerable. The number of lives lost amounts to two hundred and fifty.—In Almoravi not a single house or building remains; four hundred dead bodies have already been taken out from below the ruins. The number of wounded is very great.—At Benejuzar four craters opened, two of which threw out lava, and the others exhalations so foetid that they were felt at more than the distance of a league.—At Busot the mineral waters disappeared, and burst forth again at more than

two leagues' distance from the town. The river Segura changed its bed. The craters which opened on the spot where Torre-Vieja formerly stood threw out from different apertures torrents of putrid water. By the 3rd of April the number of victims dug out of the ruins of the towns destroyed by the earthquakes, amounted to more than three thousand, and that of the persons wounded or mutilated, to more than double the number. The houses destroyed were between six and seven thousand. The earthquake was accompanied with a subterraneous noise, resembling that of several divisions of cavalry put to flight and followed by their camp trains. The shocks and oscillations were so strong that all the bells of the churches sounded of themselves. Several individuals who happened to be in balconies at the time were precipitated into the street. From half-past six in the evening till six o'clock next morning, forty-eight shocks were counted; the first was the strongest, and lasted two seconds. The earthquake was accompanied with a fearful noise. Travellers observed a column of fire, which at the moment of the shock, made its appearance towards the eastward of Murcia. On the same day, two shocks were felt at Ancona in Italy.

23. NOTTINGHAM ASSIZES.—John Moore was indicted for stealing two rabbits. It appeared that the rabbits stolen were dead. Mr. Williams, on behalf of the prisoner, contended that the indictment was not supported, and relied on the authority of a somewhat celebrated decision of Mr. Justice Littledale, by which that learned judge had ruled that an indictment for stealing a duck was not sup-

ported by proving that the prisoner had stolen a *dead* duck; that is, that a dead duck was not a duck. —Mr. Clinton, for the prosecution, opposed the objection.—Mr. Sergeant Adams was disposed to overrule the objection; but first wished to consult with Mr. Justice Burrough on the subject. Having done so, his lordship, on his return, stated that his opinion was confirmed by that of the learned judge, who was sitting in the other court. —Mr. Clinton then observed, that, although there had been forty decisions, overturning the one referred to, he believed that unfortunately not one of them had yet been reported. It was very desirable, therefore, that the present decision should go forth to the public for the purpose of removing the absurd impression which prevailed upon this point. The prisoner was found *Guilty*.

24. EXECUTION.—This morning, four criminals underwent the penalty of the law, opposite the Debtors' door, Newgate; viz. Joseph Redgard, aged twenty-three, William Kelly, aged twenty-one, Thomas Birmingham, aged twenty-one, and Charles Goodlad, aged twenty-two. The first three were convicted at the last Old Bailey sessions of a daring highway robbery, attended with great aggravation, about twelve o'clock on the night of the 18th of January last. Goodlad was convicted of robbing his master, a merchant, of plate and other property, to the value of 170*l*. Birmingham, Kelly, and Redgard, were the chief of a desperate set, who have for several years defied the police, going by the name of the "Field-lane gang." Birmingham, who had lost an eye in a fracas, a short time back, acknowledged, that within

the last twelvemonth he had been concerned in upwards of thirty-burglaries and robberies. A few minutes before eight o'clock the bell of St. Sepulchre's commenced tolling, and the procession left the press-room, and proceeded to the gallows. Birmingham first ascended the platform, and was instantly greeted by a vast number of girls of dissolute character in the mob, who called out repeatedly—"Good bye, Tom! God bless you my trump!" The other young men followed. Every preparation being completed for the final exit, the rev. Ordinary commenced reading the funeral service, in the midst of which he gave the signal, and the culprits were turned off. A painful sensation was created by the rope having slipped under Birmingham's chin, which was occasioned by the sufferer giving a sort of jump just before the drop fell. This prolonged his sufferings to a considerable extent. He breathed in agony for nearly five minutes. Shouts and screams from the mob caused the executioner to hang on his legs till life was extinct.

25. BAILEES. — YORK ASSIZES. — *Miles v. Cattle and others.*—This was an action on the case, brought to recover the value of a travelling bag, which, it was asserted, had been lost by the negligence of the defendants. The defendants are the proprietors of a coach running from Stockton to York. The plaintiff resides at Stockton; and, having occasion to go to London, he travelled by the defendants' coach from Stockton to York, intending to proceed to London from the latter place. When he entered the coach at Stockton, he delivered to the coachman, a bag containing, to-

gether with a quantity of wearing apparel, a Bank of England note for 50*l.* The coachman placed the bag in the front boot, and it was supposed to arrive safely at York. The plaintiff, on the arrival of the coach at York, before he inquired after his bag, went to the Swan Inn, in order to secure a place by the London coach. Having done so, he sent to the tavern (which was the place where the Stockton coach stopped) for his luggage; but the bag was not to be found. It was proved, that when the bag was put into the coach, a label, marked "T. Miles, passenger," was annexed to it. The 50*l.* note which the plaintiff had lost was not his own money, but had been intrusted to him by a Mr. Tarbut, of Stockton, to be paid into the Court of King's Bench, in London, in an action in which Mr. Tarbut was employed as an attorney.—Mr. Alderson, for the defendant, submitted to the court, that the plaintiff could not maintain an action for the loss of the 50*l.* note, as it appeared on the evidence that it was not his own property.—The learned Judge said that he would reserve the point. Evidence was then offered to show that the plaintiff was in a state of intoxication when he got into the coach, and that, upon his arrival in York, instead of looking after his luggage, he immediately went away without making any claim, and did not draw the attention of the persons at the coach-office to his bag, until an hour and a half afterwards. It was also proved that two ladies, who had arrived in York by the same coach, and had afterwards proceeded to Manchester, had, when the luggage was called over at York, claimed as their own, and received the only bag in the coach,

which answered the description of the plaintiff's bag. The bag thus delivered was shown to be without label or direction. It was contended, on these facts, that the plaintiff's loss had been occasioned by his own negligence, and not by any default on the part of the coach-proprietors or their servants.—Mr. Justice Bayley expressed an opinion, that it was the duty of every coach-passenger to look after his luggage on the arrival of the coach at the place to which it was going, and if a loss occurred in consequence of the negligence of a passenger, he could not maintain an action against the coach-proprietors.—Mr. Pollock did not wish to press a case against the opinion of the court, but he thought that there was one point which might, on the evidence, be left to the jury; viz. whether there was not a label attached to the bag on its arrival at York.—Mr. Justice Bayley left that fact to the jury, who found a verdict for the defendants.—Mr. Pollock then submitted to a nonsuit, with liberty to move the court to enter a verdict for the plaintiff for the value of the bag and note.

27. FIRES.—This morning a fire, attended with the loss of three lives, took place in that part of Camberwell which faces the Green, in the house of a shoemaker. The flames burst forth with amazing rapidity; and, nearly the whole of the dwellings in the row being constructed of wood materials, the next house, inhabited by Mr. Bailey, a broker, also took fire, and burnt with such fury, that Mr. Bailey, with his wife and apprentice, had scarcely time to escape destruction. In the attic. Mrs. Bailey's sister, along with two children, one a boy about seven

years of age, and the other a little girl, slept: the flames communicated to the room in which they were, and they were not apprised of their danger, until it was too late to escape. Before this house was consumed, the parish engine had arrived; but from the scanty supply of water, little good was effected: three other houses, all next to one another, took fire; and notwithstanding the efforts of several engines which by this time had arrived from town, the whole of them were burnt. The flames did not extend further; but, had not a number of engines been on the spot, and a plentiful supply of water been afterwards obtained, the whole range of houses on the west side of the Green would inevitably have fallen a prey to the flames, most of them being very old and principally built of timber. In the ruins of Mr. Bailey's house, about six o'clock in the morning, the body of Mrs. Bailey's sister, a young woman 22 years of age, together with those of the two children, were discovered—that of the former was found buried under some burnt timbers and tiles, close to the door, and from the position in which it was discovered, it would appear that the young woman was in the act of escaping in her night-clothes from the room, when the flooring gave way, and she was precipitated with the burnt materials to the ground floor. The body was dreadfully mutilated, as also were those of the two children, which were found close together lying on the remaining part of the bedstead. Mr. Bailey's apprentice received considerable injury in getting out of the house during the conflagration, and had a narrow escape for his life.

This was followed by a second fire, much greater, in point of magnitude, than the above, but no lives were lost. It broke out in the premises of Mr. Skipper, an extensive stationer and printer on St. Dunstan's-hill, about a quarter to six o'clock in the morning. It burnt with uncontrolled fury for two hours, the flames having extended to the spacious premises of Messrs. Chater and Haywood, glass merchants. The nature of the stock of Mr. Skipper, consisting chiefly of paper, rendered the fire exceedingly formidable, and at one time the church of St. Dunstan's was considered to be in danger. A number of engines soon arrived, some of them from Camberwell; but no good supply of water was obtained for some time. The inhabitants of the adjoining houses, with the utmost speed, removed their furniture into the church and church-yard, all fears having ceased as to any injury being done to the church. The flames were confined to the two premises mentioned, but these were completely destroyed. During the progress of the flames, a crane fell from the fourth story of Mr. Skipper's premises, and one of the lookers-on had a very narrow escape.

28. OCCURRENCE AT WANLOCK-HEAD MINES.—On Saturday a very serious occurrence took place at the above mines, in consequence of a fire breaking out in one of the pits. In a certain part of the mines there is a fire-engine for drawing water to a considerable depth, the vent of which is carried up what is termed a shaft lined with wood. In this vent the fire, it appears, originated, and as the flames soon caught hold of the lining, the danger every moment became more and more alarming. The workmen were

immediately called to the spot, and continued until Sunday morning, using their utmost endeavours to check the progress of the fire. With this view both eyes of the shaft were covered in, and the air totally excluded, which, it was thought, would have the effect of extinguishing it; but on Sunday forenoon it was discovered to be burning with greater fury than before, and about forty men were instantly sent down to strengthen the covering of the shaft. They had scarcely commenced operations, however, when they were involved in a choke-damp, under the influence of which, had it not been for the exertions of those who were called to their assistance, they must all have perished. The individuals, as they were extricated from their perilous situation, were almost all insensible; but, with the exception of two, who suffered more severely, they soon recovered.

APRIL.

1. ACCIDENT.—On Wednesday the following fatal accident occurred at Hyde, a manufacturing town about eight miles from Manchester. In consequence of a hand-bill which had been issued by the master spinners of Hyde, and the neighbouring places, declaring their determination to deduct 10 per cent, every fortnight, from the wages of such of their workmen as would not give up subscribing to the Union, the workmen appointed a meeting of their body to be held at the Norfolk Arms public-house, in Hyde, to consider what steps they ought to take under these circumstances. The meeting was held in a large room, generally known by the name of the assembly-room, on Wednesday evening, about half-

past eight ; and was attended by at least seven hundred persons. About half-past nine, that part of the room, which is over the travellers' room, suddenly, without creaking, bending, or giving the slightest symptom of being overloaded, gave way, and, falling, with at least two hundred and fifty persons upon it, on the floor of the travellers' room, carried that with it into the cellar. Those, who stood on that part of the room which had not fallen, burst open the door, rushed down stairs, and got out of the house as quickly as they could, while others leaped through the windows. Those who had fallen with the floor were huddled together in one side of the cellar, the floor of the travellers' room having given way at the one side before it did on the other, though the beams of the upper room had given way right in the centre ; and such of them as could extricate themselves from their less fortunate companions made their way out, as they best could, by clambering up by the fragments of the travellers' room floor, that yet remained, and thence through the window into the street. In about a quarter of an hour, all, who could make their escape, were out : in the cellar there remained between forty and fifty persons, a great many of them lifeless. A way was as soon as possible cleared in the cellar, and the sufferers were conveyed up stairs, and, as they were brought up, were examined by medical men who had by this time arrived. Of those who were taken out quite dead, the number was no fewer than twenty-nine persons ; and one died on Thursday forenoon, making in all thirty persons thus suddenly deprived of existence. Of the rest of the persons who were taken out,

there were perhaps five or six, whose cases, though not altogether hopeless, were of a very despairing caste. The coroner's jury pronounced a verdict of " accidental death" in all the cases, in the following form, with a deodand of 5s. on the timber :—That on the 1st day of April instant, about seven hundred persons having assembled at a certain dwelling house called the Norfolk Arms Inn, in Hyde, it so happened that the beams, which supported the floor of one part of a certain room, broke, by reason of the insufficiency thereof to support the excessive weight of the persons then assembled thereon, and instantly fell with the floor and about two hundred persons standing thereon, and thereby such last-mentioned floor was wholly knocked down to the floor of the room underneath, thereby carrying with it the first-mentioned floor and the said persons to the cellar, by which misfortune and accident they were suffocated and smothered, of which they immediately died."

PIRACY.—At the Admiralty Sessions, Old Bailey, the following thirty-eight prisoners were placed at the bar ; John Clements, second captain, Augustus W. Eaton, doctor, George Byron, alias John Lavis, first-lieutenant, William Ohrs, second lieutenant, William Wilson, prize-master, Joseph Manuel, quarter-master, Joseph Dixon, quarter-master, Thomas Woible, purser, Thomas Stagg Headley, purser's steward, Charles William Parsons, master's mate, John Tray, captain's steward, William Andrews, boatswain's mate, John Christian (a black), gun-room steward, Peter Brown, sail-maker, John Herdson, cook, John Joseph, gun-room cook, Thomas Coston,

Joseph Bishop, William Keey, William Snow, George F. Fowls, Joseph Turner, Michael Nowlan, John Williams, John Robinson, Robert Freeman, George Hay, George Williams, Richard Hardy, William Dorsey, James Forrest, John Oxford, William Moon, David Maddock, Timothy Connell, Peter Butterfield, John Pettyman, and James Rogers, mariners. The indictment charged them with having piratically seized a vessel called the *Josée*, on the high seas, and within the jurisdiction of the High Court of Admiralty of England from the possession of John Maria Evangelista, and other mariners.

The king's advocate stated, that the prisoners were charged with having piratically possessed themselves of a Portuguese vessel called the *Josée*. From the evidence it would be found, that this vessel, while cruising off the coast of Africa, near Whydah, which in the language of Portugal was called *Adjudah*, was attacked and seized by the prisoners, who were on board a schooner called the *Presidenté*. A shot having been fired at the *Josée*, she was obliged to heave to, and having been boarded by the prisoners, the captain and crew were forced on board the *Presidenté* by the prisoners Byron, alias Lavis, and Foster, who, with eight or ten others, had gone on board for that purpose. Captain Evangelista expostulated with Prouting, the commander of the piratical vessel, and complained of the illegal detention of a vessel under Portuguese colours. Prouting replied, that he cared nothing for colours; and in pursuance of his orders, captain Evangelista and his crew were detained all night in custody on board the pirate, while their vessel was plundered. About 2 o'clock on the fol-

lowing day, a vessel was discovered in the offing, which proved to be a British tender, called the *Black Joke*, which bore down upon him, when an action commenced, the result of which was, the capture of the *Presidenté*, and the death of Prouting, her commander. Part of the prisoners were taken from on board the *Presidenté*, and the remainder from on board the *Mary Anna*, a vessel which the prisoners had previously taken, and which was subsequently captured by his Britannic Majesty's ship the *Primrose*. From papers found on board the *Presidenté*, it appeared that she was a Buenos Ayres privateer; but, although in the commission of that state, she was not authorized to destroy and plunder a vessel bearing the national flag of Portugal, the subjects of that country being at peace with the republic of the Rio de la Plata.

John Maria Evangelista was called as a witness, but, having declined to give his evidence, unless a promise were made that he should be remunerated for his trouble, and also reimbursed his losses, the Court told him that they would enter into no such compromise; and, finding him obstinately determined not to give evidence, excepting on the terms he had stipulated, they inflicted upon him a fine of 100*l.*, and directed that he should be detained in Newgate until the fine was paid. Raymond Armando Rodriguez, mariner, refused to give evidence upon the same grounds; and, a similar judgment having been pronounced upon him, both witnesses were conveyed to Newgate. Antonie Stacealie, mariner, was then examined by Mr. Shepherd. — He stated, that he was on board the *Presidenté* when she captured the

Josée. The latter had Portuguese colours flying at her mast head, and the *Presidenté* was sailing under the flag of Buenos Ayres. The crew of the *Josée* were brought on board the *Presidenté*, and put in irons, and the former was manned by some of the prisoners, but he could not tell how many. Byron and Foster were amongst them. All the prisoners belonged to the *Presidenté*. Witness had sailed in the *Vigilante Havannero*, a Spanish schooner, twelve months prior to his going on board the *Presidenté*—
Cross-examined by Dr. Lushington:—The *Vigilante* left the Havana for Princess Island with a cargo of rum and tobacco; she carried three guns, and had some ammunition on board, besides swords and pistols. The *Vigilante* was not a slave ship. Witness took no part in the action with the *Black Joke*.

Capt. William Turner examined by Mr. Shepherd: In August last, witness was in the command of his majesty's ship the *Sybil*, and was cruising in the *Black Joke*, the tender of that ship. When off Whydah, he perceived three vessels putting out to sea. The *Black Joke* had a Brazilian flag flying as a decoy, and witness was under the impression that the strange ships were engaged in the slave trade. About four in the afternoon, he discovered the *Presidenté* making signals to the *Josée*, upon which he ordered down the Brazilian ensign, and soon after the *Presidenté* hoisted a French flag, and then fired a shot right over the *Black Joke*. Witness immediately hoisted the British colours and an action commenced, which lasted about half an hour, when the night fell and put an end to it. About 4 o'clock the next morning, he ran alongside of

the *Presidenté* and boarded her. One of his men was killed. On boarding the *Josée*, he found her crew in irons. The prisoner Clements said, he was captain, the commandant having been killed in the action. Witness took possession of the ship's papers, and subsequently lodged them in the Admiralty. In cross-examination by Mr. Alley, the witness said, that Whydah was a notorious place for slave traffic. The *Black Joke* had only two guns and some muskets. The *Presidenté* had 7 guns besides small arms.

John Henry Townsend, master's assistant, proved the capture of the *Mary Ann*, in the Bight of Benin, and to his finding in her lieutenant Ohra and some other of the prisoners.

Here the Solicitor-general stated that the witness Evangelista, who had been committed to Newgate for contempt, was willing to give evidence, and prayed to be brought into court for that purpose. He was accordingly brought forward, and gave evidence as to the capture of his ship and the treatment his crew and himself had received. He identified all the prisoners, as did also the witness Rodriguez, who, upon a similar application, was released from confinement and allowed to give evidence.

The case having been closed for the prosecution, the prisoners, on being called upon for their defence, put in a written paper, stating that they had acted under the authority of the government of Buenos Ayres, which was acknowledged by Great Britain to be an independent state. The commissions granted to captain Prouting, and the other officers, were put in and read.

Dr. Lushington contended, that

the prisoners were entitled to a verdict of acquittal, on the ground that the capture of one vessel by another during a time of war was not an act of piracy, when the capturing vessel was commissioned by a nation regularly recognized. Lord Tenterden, having consulted with the other judges, said, that the point raised by the prisoners' counsel was one of great importance, and ought to be decided in a solemn manner. He should therefore reserve the point to be argued before the judges.

His lordship then having summed up the evidence told the jury, if they believed that the *Josee* was a Brazilian vessel, they were bound to find the prisoners not guilty; if otherwise, it was equally their duty to convict them. The jury immediately returned a verdict of *Not Guilty*, and lord Tenterden said he concurred in the verdict, although the case was one which called for inquiry.

10. MALTREATMENT OF PARISH APPRENTICES.—OLD BAILEY.—Esther Hibner, the elder, Esther Hibner, the younger, and Ann Robinson, were severally indicted on the coroner's inquisition with the wilful murder of Frances Colpitts.—Mr. Smith, the master of St. Martin's workhouse, proved that the deceased had been apprenticed to the prisoner, Esther Hibner, the elder, in April, 1828. She was then in perfect health.—Frances Gibbs, grandmother to the deceased: The last time she saw her alive was on the 27th of September. Witness called several times after but was unable to see her. Called on the 10th of February, and insisted upon seeing her grand-child, when Miss Hibner said, "You will see a pretty thing when you do see her, she is

in a deplorable state;" adding, that the deceased had been ill. Witness, having seen the child, gave information of the condition in which she had found her, to the overseers of St. Martin's parish.—Mr. John Blackman, one of the overseers of St. Martin's parish: In consequence of the information given by the last witness, he went to the prisoner's residence, at Platt-terrace, and found all the children in a most wretched state, and quite emaciated. Went again on the following day with Mr. Wright, the surgeon of St. Pancras workhouse, and found the deceased lying on a mattress. She had a cap on, and a shawl was wrapped around her body. The elder prisoner said the deceased had wetted the bed. She refused to suffer any of the children to be removed excepting the deceased, who was conveyed to the workhouse of St. Pancras, it being the opinion of the medical gentleman that she could not with safety be removed to St. Martin's workhouse. The deceased was dreadfully emaciated. Her lips were contracted, and there was a redness about her eyes. There also appeared to be some bruises on her forehead, and one on her arms. The weather was wet and cold at the time.—Susan Whitby, one of the children: The deceased came last Easter or Whitsuntide. She was obliged to get up to work between three and four o'clock in the morning, and continued working until ten or eleven at night. She used to get a cup of milk and a slice of bread for breakfast, and got nothing else all day. Sometimes the elder prisoner used to say, that the deceased had not earned her breakfast, and on those occasions she got only a few potatoes about one o'clock, which was the only food allowed her that day.

Nine pounds of potatoes were divided amongst the whole family, consisting of twelve persons. Deceased used to lie on the floor of the workshop with the rest of the apprentices. They had no bed but a blanket under and over them, and had no other covering during winter. They had meat every second Sunday. The other Sundays they had some potatoes, and were locked up in the kitchen, the window of which was closed. The regular food was discontinued in October, and the deceased became ill soon after. She was frequently beaten for not doing her work. Sometimes all the prisoners beat her, and sometimes she was beaten by the prisoner Robinson. The younger Hibner used to take the deceased from the frame at which she worked, and knock her on the floor. On one occasion she took up the deceased by the heels, and dipped her in a pail of water intended for washing the stairs. She dipped her head five times in the water, and the prisoner Robinson said "D—mn her, dip her again, and finish her." The deceased used to cry for food, but the elder Hibner would say to her, "You may cry on, for you shan't have any." The elder prisoner used to keep a dog, which was fed with wash from a tavern in Gray's-inn-lane. Pieces of meat and fish were found in the wash, and the deceased, as well as witness and her companions, used to eat them. All the milk that was gotten for the whole family was half a pint, and out of that enough was taken for the prisoner's tea; the remainder was mixed with water and given to witness and the other children. —Mary Harford, another of the children, corroborated the foregoing evidence, and detailed other acts of

cruelty towards herself and companions. While the deceased was ill, she was told to clean the stairs. She did clean part of them, but fell down through weakness. The younger Hibner took her up stairs and flogged her.—Cross-examined. All the children, except those who are dead, are now at the workhouse, and are doing well. They were sometimes left alone, but were afraid to go out, lest the prisoners should return.—Eliza Norman, another of the children, gave similar evidence.—Mr. Charles Wright, surgeon, stated, that he went, at Mr. Blackman's request, to see the deceased. She had sores on her feet, and her toes were mortified. She was removed to the Pancras infirmary, and she died on the 15th of March. On the *post mortem* examination, abscesses of the lungs were found, and there was a slight inflammation of the abdominal viscera. The mortification, of which the prisoner died, was, in witness's opinion, occasioned by the want of necessary food and exercise. There were also some external bruises upon the body, but not arising from any great violence. The witness added, that he considered the immediate cause of death to have been occasioned by abscesses in the lungs, and mortification in the feet.—Mr. Thomas Gorner, another surgeon, gave similar evidence.—Mr. Baron Garrow asked him whether he thought the circumstance of the child being dipped in a pail of water, as described by the witnesses, was in itself sufficient to produce abscesses on the lungs, and thereby produce death.—Certainly, I do, my lord.

Here the case closed for the prosecution, and the prisoners were severally called upon for their defence.—The elder Hibner said, she

depended upon what her daughter meant to say.—The younger Hibner then addressed the Court, declaring that the children had all sworn falsely, and that at all events she was not their mistress, and had therefore no right to be placed where she stood.—The prisoner Robinson declared, that she knew nothing of the cruel treatment complained of, and had taken no part in it.—Mr. Baron Garrow stated to the jury the law as applicable to the relative situations in which the prisoners stood. The elder prisoner had taken upon herself to provide the deceased with proper and necessary food and clothing, and, in her relation of mistress, had rendered herself accountable in the eye of the law for the well-being of the child. The other prisoners were bound by no such obligation, and hence the distinction arose with respect to the relative situations of the prisoners. If the jury were satisfied that the deceased came by her death in consequence of a train of ill-treatment on the part of her mistress and those who had acted under her, they were bound to find the elder prisoner guilty of the charge laid in the indictment, and acquit the other two prisoners. If, on the contrary, they should find reason to believe that the death of the child was occasioned by her immersion in cold water, which was the act of the younger Hibner and Robinson, in the absence of the elder prisoner, it would then be the duty of the jury to find them guilty of murder, and acquit Hibner the elder.—The jury consulted for a few moments, and then asked leave to retire, which they did at half-past six o'clock; and, having been absent for about an hour and ten minutes, they returned into court,

finding Esther Hibner, the elder, *Guilty* of the murder, and acquitting the other two prisoners. Sentence of death was immediately pronounced; and was carried into execution at the Old Bailey on Monday the 18th. No such concourse of people had been collected to witness an execution since that of Fauntleroy. When the criminal appeared on the scaffold, she was assailed with a loud volley of yells from the people, particularly from the females, of which the crowd was in a great measure composed. Up to the last she refused to receive any spiritual consolation, and no clergyman attended her on the scaffold. She appeared to die almost instantaneously. From the moment of her conviction, up to the time of her execution, she behaved in the most violent manner, and committed so many excesses as to astonish even the turnkeys of the prison, who are accustomed to such scenes. The interview with her daughter did not make any impression upon her. On Friday afternoon she said to Mr. Wontner, the governor of Newgate, that she would be d—d if she would be hanged, and insisted upon having a mutton-chop for dinner. On Sunday afternoon, after she had seen her daughter, she went into the yard; and, it appearing to the turnkey that there was something suspicious in her behaviour, he sent some person after her, who found her bleeding from a wound she had inflicted in the front part of her neck with a knife, which by some means she had obtained, unknown to the attendants. From this time her behaviour was so violent, that it was found absolutely necessary to apply the strait waistcoat to prevent her from tearing the bandages off her

wound. She confessed, soon after her attempt at suicide, to Mr. Wentner, that it was not her intention to kill herself, but merely to wound herself severely, thinking thereby that she would be allowed to live a few days longer. The body, after hanging the usual time, was cut down, and delivered to the surgeons for dissection.

CHARGE OF ARSON.—Moses Jacobs stood indicted for feloniously setting fire to his house, Phoenix-st., Soho-square, with intent to defraud the Sun Fire-office. The following were the facts of the case, as stated by the witnesses for the prosecution:—The prisoner was a glass-manufacturer, and carried on business in the house above-mentioned. A part of his house was occupied by a foreman, named Davis, and his wife. On the morning of the 28th of February, the prisoner left home, and returned between seven and eight o'clock in the evening; there had been no fire in the counting-house for six weeks before; but when the prisoner returned home, he directed Davis to light a fire in this room. About ten at night Davis put out the fire in his apartment, and was preparing to go to bed, when the prisoner sent him with a letter to a friend in Holywell-street, and, on his return, he found the house destroyed, and that his wife had perished in the flames. It was in evidence, that, a short time before the fire, the prisoner sent for quantities of turpentine and linseed oil, which were not required in his business; a portion of the turpentine he had strewed about the floor, and afterwards said that he had mistaken it for water. On the Sunday before the fire, the prisoner removed a great portion of his furniture from the house, and had made an arrange-

ment with Messrs. Whitehouse and Co., wharfingers, of the City-road, to remove some cullet (broken glass) and potash to Birmingham, and he said that other goods would be returned in lieu of them. The goods were sent to Messrs. Whitehouse's premises, but without any direction as to any person or place they were to be forwarded to, and they remained there until after the fire, when the prisoner caused them to be sent back to his residence. It was in evidence also, that the prisoner had originally insured his house and manufactory for 1,000*l.*; his stock and utensils for 250*l.*; and his house for 500*l.*; but in January he increased the amount of his insurance to 3,550*l.* On the morning of the fire he called at the fire-office for his policy, which had not been forwarded to him, and expressed a great desire to have it in his possession. In addition to these facts, it was proved by a number of persons present at the fire, that it originated in the prisoner's apartments, and certainly not in the rooms occupied by Davis and his wife; they also expressed their opinion that the house had been set on fire, and stated that they saw some inflammable substance burning with great fury in the premises, and dropping among the smoking ruins; these witnesses, however, in justice to the prisoner, it should be stated, declared that the prisoner made every effort to save the life of Mrs. Davis, and directed the firemen when to play the engines, the more readily to extinguish the flames. The prisoner attended the coroner's inquisition upon the remains of the unfortunate woman, and offered every explanation in his power; but the moment the medical men returned, charging

him as the incendiary, he hastened out of the house, and jumping into a cabriolet, was about driving off, when he was arrested by a constable. He then explained that he was hastening away with the intention of consulting his solicitor. The whole of the witnesses for the prosecution, who were acquainted with the prisoner's transactions, described him as a man plunged in great poverty; several executions were out against him, some of them for very trifling sums; and the interior of his dwelling could not boast of any thing that could justify his making a demand for the amount of his insurance. It was in evidence also that the premises were mortgaged for 1,000*l*.

The following witnesses were then called for the defence:—Mr. Edgebar Carter deposed: I am an attorney; I know of the effecting of the mortgage by Jacobs with Hughes for 1,000*l*.; subsequent to that mortgage, about the 9th of January last, I had an abstract of the prisoner's title to the premises, to raise 1,500*l*. on them; the prisoner's intention was to pay off the mortgage of 1,000*l*.; a Mr. Overton negotiated through me with the prisoner for advancing the 1,500*l*., and the arrangement would have been made in less than a week after the fire; a Mr. Wilson was the solicitor for Jacobs, and I was the solicitor for Overton; I am perfectly satisfied that the prisoner was anxious to make the arrangement, as he would thereby have had 500*l*. besides paying off the former mortgage.—Mr. Rose, a surveyor and auctioneer, in the Old Jewry, sworn: In December last I surveyed the prisoner's premises in Phoenix-street, with a view to a loan; the factory was completed, but the warehouse was not; I es-

timated the value of the prisoner's lease at 2,000*l*. subject to the laying out of 150*l*.; I did not overrate the value of the building, because I was employed by a gentleman who had it in contemplation to advance money; I believe the building must have cost 4,000*l*. in erecting.—Mr. Thomas Thompson, of 10, Castle-street, Holborn, surveyor, said, I valued the stock in trade of the prisoner, after the fire, on the 28rd of March, at 384*l*.; according to the appearance of the building after the fire, it could not have originated on the first-floor—I believe it commenced on the staircase; the flooring near to the staircase was burnt, and that leading from the counting-house to the hanging-bridge was nearly perfect; a person on Hobson's stairs, in the yard, could not see in a direct line into the first-floor window, unless he could look through a sloping covering of slates.—Cross-examined.—A person in the yard might see the ceiling of the first-floor room; but he could not see it from the steps, nor could he see the floor at all.—Mr. William Cadogan, a surveyor, examined the premises on the 2nd of March, and found a quantity of burnt embers on the second floor, which had been completely destroyed. In the grate in the two-pair of stairs room, where the deceased slept, there were a great many cinders. There was soot in the counting-house grate. There was a covering over Hobson's steps, and no person on those steps could see into the window of the back room.—Mr. Williams, a carpenter and builder, residing in Upper Cleveland-street, Fitzroy-square, said, he had seen the prisoner's warehouse before the fire, and he thought the fittings were worth 100*l*. The prisoner's dwelling-

house was not in a finished state. In June last year he contracted with the prisoner to complete his house for 180*l.*, and he had done the work to the extent of 150*l.* The painting was not done.—James Hall: I am a painter; about a fortnight before the fire I contracted with the prisoner to paint his house; the prisoner agreed to find paint, oil, and turpentine; I saw paint, brushes, and pots on the premises, and I agreed to paint them at 5*s.* 6*d.* a day; I was to find labour only; I gave orders for turpentine; it was to be brought to Mr. Jacob's house from an oil-shop in Greek-street—viz., three pints of turpentine, and one quart of oil; I called the week after I had made the agreement, and a reason was given me why I could not begin to paint.—Mr. Lewis Norton: I am an attorney, and have acted for the prisoner, as his solicitor, for years; he has always acted in the most honest and upright manner; Davis, the servant of the prisoner, has been in the habit of bringing letters from the prisoner to me at all hours; I put an execution into the prisoner's house on the day of the fire; I had heard that the prisoner had received 500*l.*, and was about to go to Birmingham; he owed me 6*l.*; the execution was upon a warrant of attorney. In my opinion, taking into the estimation the value of the buildings, and other property of the prisoner, he was a solvent man, and possessed five times the amount that would pay his debts. On the night of the fire, the prisoner and Mr. Genese called upon me, and talked about the execution, and I gave them a letter to Mr. Phillips, the sheriff's officer, who was in possession of the prisoner's house.—Cross-examined.—The prisoner was indebted be-

yond the mortgages to the amount of 180*l.*, at the time of the fire; I only know it from lists handed to me from the prisoner and his father.—Re-examined.—My execution was paid by the prisoner on the 23rd of March.—Elisha Hart: I am a paper-hanger in Drury-lane. On the 13th of February last the prisoner engaged with me to paper his house.—Mr. Isaac Genese: I am an auctioneer and general dealer. On the morning of the day the fire took place, I saw the prisoner at 10 o'clock: he went to Hammersmith with me; I parted with him at nine o'clock at night, and after that the prisoner came to me, and I accompanied him to Mr. Norton's; we received a letter from Mr. Norton for Mr. Phillips, the sheriff's officer; I went with the prisoner to the Feathers public-house, in Hart-street, Covent-garden, and he left me there at about half-past 10 o'clock; I saw the prisoner at the coroner's inquest, and he told me, after the verdict was returned, that he would go with me to his solicitor; I did not urge the prisoner to go, nor did he run, after the verdict was returned.—Phillips, a sheriff's officer, said, that, on the day of the fire, he put an execution in the house, at the suit of Norton; he left a note for the prisoner, who called upon him the same evening at the Feathers, in Hart-street; it was about a quarter past 10, when he went home.—Solomon Solomons said, on the night of the fire, he was with the prisoner at the Black Lion, Vinegar-yard, Drury lane; he met him at seven o'clock, and remained with him some time.—At this period of the case an observation was made by counsel respecting a postponement till Monday; but Mr. Justice Park asked the Jury, whether they

entertained any doubt upon the case, or were they anxious that the inquiry should proceed? There was certainly a strong suspicion, but that was not sufficient to deprive a man of life.

The Jury then consulted together a few seconds, and pronounced the prisoner *Not Guilty*.

12. ACCIDENT.—Sunday evening, during the performance of divine worship in the Wesleyan Methodist chapel at Hermandwike, the pressure of the crowd shook or displaced the stove, which was in the body of the chapel, and a little in front of the gallery. From the stove was an upright pipe, connected by an elbow with a horizontal one running under the gallery for three or four yards, and out of the front wall of the building. This pipe was feebly supported by nail crooks, and, from the cause above mentioned, it fell upon the people beneath, but without injury to any one. The congregation in the vicinity of the spot, began to retire. This caused an alarm in the minds of many not acquainted with the trifling nature of the accident. An alarm immediately became general; the panic in the minds of the people in the gallery being increased by the circumstance that a large quantity of dust and soot ascended towards them. Then came a general rush from all parts of the chapel, which was continued and increased by the crashing noise made by the trampling upon the broken fragments of the stove-pipe which had fallen on the ground. An individual, perceiving the crowd hastening towards one of the doors, closed it. This caused the accumulation of a dense mass in a porch of but small dimensions, where they remained a short time wedged together, till

the cries of those within induced some persons, who had made their escape from the open door, to force the one which had hitherto been kept closed. This being with some difficulty effected, those nearest the door were immediately thrown down and trampled upon by those in the rear; others fell upon them in making their way out, and when the pressure had subsided, the passage to the door was choked with males and females lying on the floor, so closely wedged that it required considerable effort to extricate them from each other. Those, who had been fortunate enough to have their faces exposed to the air, suffered comparatively little injury, but others were suffocated before they could be removed. Five were taken out dead, and a sixth died the following day. Of the former five, the eldest was not more than fourteen years of age.

13. FALL OF A ROCK.—The greater part of Nottingham is built upon a rock which forms different rising hillocks, and some parts on perpendicular cliffs, having streets running below, so that one house seems actually built upon the roof of another. This is the case with the High Pavement, on which many of the most respectable houses are erected, as well as the county gaol, St. Mary's Church, &c.; and about 150 feet beneath the High Pavement is Narrow Marsh, the oldest street in the town. Considerable apprehensions have for several years been entertained, that a portion of the rock above Narrow Marsh, between the county gaol and some brick arches (which had been erected for security), was separating from the main body, especially at the back of the house occupied by Mr. Carpepter Smith. Small portions of the rock and sand

continued to fall, but though, in the event of the rock falling, the houses below would necessarily be crushed, no persuasions could induce the inhabitants to quit the premises. On Sunday the 12th the fissure at the back of Mr. Smith's, and running through his garden, opened to such an extent, and continued to yawn so fearfully, that the magistrates deemed it necessary to warn the inhabitants below of their imminent danger, and recommended an immediate abandonment of their houses. Next day, the 13th, the symptoms of a fall grew still more alarming, and the residents of four of the buildings, where the rock had the most threatening aspect, were induced to quit; but it required magisterial authority, in some instances, to effect this, as several individuals complained of the shortness of the notice for departure. At last about half-past seven in the evening (Monday), a tremendous fall of rock (some hundred tons) took place nearly at the back of the Loggerheads public-house, in which the landlord, Mr. Godkin, then was. In about three minutes the whole extent of cliff gave way, and five houses were crushed into one general wreck. Near the spot where the first portion which broke away fell, the flaps of a coat were visible, and in a few seconds a young man was dug out in a state of insensibility, but shortly afterwards recovered, having only received a few bruises.

INUNDATIONS.—The *Prussian State Gazette*, contains accounts from Dantzic, of the 10th, 11th, 12th, 13th, and 14th instant, of the damage done on the tract of land called the Werder, and in the city of Dantzic itself, by the breaking of the dikes on the Vistula. The Werder, which is of great

extent, is a level and fruitful tract, affording rich pastures, on which numerous herds of cattle are fed. On the 9th, the current of the stream, swelled by the immense quantity of snow which had fallen in the interior, and impeded in its regular course by masses of ice, broke through the dike in several places; and all the lower houses, as well in the villages, as over the whole plain, were soon inundated to the roof, and the water still continued to rise, so that it was at last five feet above the summit of the dike, for its whole length of twenty-five miles. The inhabitants, fled to the higher houses and the church steeples, but many perished, as they were far from expecting such an inundation; and not being engaged in fishing or the navigation of the river, were destitute of boats. Of eight or ten thousand head of cattle, and four or five thousand houses, not a tenth part was saved. In Dantzic itself, great damage has been done. A quarter called the Lower Town, inhabited by the poorest class, was overflowed in an instant by the giving way of a sluice and the houses filled up to the roof. The torrent rushed impetuously through the city towards the harbour and the mouth of the Vistula, overpowering every obstacle in its course, and sweeping away many houses, with all that they contained, into the sea. It was not till the 12th that the water began to abate, and, on the 14th, it had fallen three feet; but the city seemed to be surrounded on three sides by a great lake, and even on the 14th, the sufferers could not leave the roofs of the houses and the steeples. The want of food increased their distress. On the 10th, 11th, and 12th, the utmost exertions were made to re-

lieve the sufferers; hundreds were saved by means of boats and rafts, and provisions sent to the villages from ten to fifteen miles distant: a violent storm and thick drifting snow increased the danger incurred by those who attempted to afford relief.

22. INSOLVENT DEBTORS' COURT. — Xavier Chabert*, the fire-eater, who described himself in his schedule as a resident of Dublin, Edinburgh, Glasgow, Liverpool, and London, a professor of chymistry and pyrotechny, a general commission-merchant, and an exhibitor of curiosities, was opposed by Mr. Nicholls, on behalf of the Messrs. Preston, of Edinburgh, haberdashers, from whom he received muslins to the value of nearly 400*l*. In answer to questions put to him by counsel, he stated, that he was in the habit of putting fire and molten lead into his mouth. He professed to swallow them, but he only put them into his mouth, and took them out again in a sly manner, for they were too hot to eat. He could swallow prussic acid without experiencing any ill effects from it;—that's what he called pyrotechny. He had five partners in the beginning, but, as they were not thriving, he latterly acted alone. He had a counting-house in Duns-ter-hill, but he had no property, except a wife and child. He received goods from his opponents through a traveller, and he sold them in a week after to a Mr. Christoph, who never paid him, and who could not now be found any where. When the time for paying his opponents had arrived, apprehensive of being arrested, he put all the goods, which he had in the counting-house, into a coach to carry them off, and when he

came to the place where he was to deposit them, he met an officer going to arrest him: he, therefore, ran off, left his books, &c. in the coach, and could never find them since. The Court discharged him.

24. MARINERS. — **KING'S BENCH.** — *The King v. David Enans.*—This was an information filed by the Attorney-general, under the statute of the 11th of William III., against the defendant for having as captain of the ship *Biscayan*, refused to bring back from Genoa, a seaman named Steinson, who was engaged on board that ship. The Solicitor-general, in stating the case for the prosecution, observed, that the present information was filed against the defendant, the captain of a ship trading from Liverpool to the Mediterranean, for having violated a most salutary statute of the 11th of William III., which subjected to three months' imprisonment any master of a British vessel who should leave at a foreign port and refuse to bring home any British seamen belonging to his vessel—Steinson had been engaged by the defendant as steward, in a voyage to Genoa and Leghorn and back to Liverpool. The vessel sailed from Liverpool in January, 1828. During the voyage there was some quarrelling between Steinson and the captain and mates. On the arrival of the vessel at Genoa, after the cargo had been discharged, the defendant complained to the British consul of Steinson's conduct, and Steinson was in consequence placed in prison at Genoa, where he remained for two days and two nights. The consul then told the defendant that he was bound to take Steinson back to England, or find another vessel for him. The de-

* See *infra*, page 167.

fendant refused to take the man on board again; but said that there was a brig called the *Tiffin* ready to sail for England, which was short of a hand, and Steinson might, if he liked, return in that. Steinson then applied to the master of the *Tiffin*; but being unable to agree about wages, the consul again sent him to the defendant, to whom he addressed a letter. The defendant, who was on the point of sailing from Genoa, refused either to look at the letter or to take the man on board, and sailed for Palermo without him. Steinson remained for about three weeks at Genoa, where he was maintained by the British consul, and was ultimately sent to England at the public expense. Mr. Brougham (for the defendant) cross-examined Steinson and another witness (who was called to corroborate his testimony), with a view to show that he had refused to do his duty on the voyage to Genoa, had been guilty of disobedience, and had quarrelled and struck the second mate, who had challenged him to fight.

The jury immediately pronounced a verdict of *Guilty*.

25. **SEDITIONOUS PLACARDS.**—**LAMBETH-STREET.**—A ruffianly looking fellow, who gave his name James Bird, was brought before Mr. Wyatt, charged by Keys, an officer of Bow-street, with collecting a mob, and hawking inflammatory publications in the Whitechapel-road.

From the statement of Keys it appeared, that, while on his patrol, his attention was attracted by a very crowded mob assembled in the road, and a person in the centre flourishing some papers, and haranguing those about him with violent gesticulations. He went up to ascertain what was

going on, and heard the prisoner addressing his auditors in language calculated to excite a breach of the peace, and urging on them the purchase of some paper, which he called "a dialogue on the Catholic question." He desired him to desist, but he refused, and he (Keys) being convinced, that, if there had been any Irishman or Roman Catholic within his hearing, there would have been some violent outrage, on his refusal to leave the place took both him and his papers into custody, and brought him to the office. The papers were of a religious character, and inveighed, in very seditious and inflammatory language, against his majesty's ministers for their conduct as to the Catholic Relief bill. The papers, about three thousand in number, were here handed to the bench, and were headed, "An account of a Conversation between St. Paul's Cathedral and the Monument." The printer's name was Carpue and Son, Rose-lane, Spitalfields. The duke of Wellington was accused of treason, and Mr. Peel as his abettor in his designs. The defendant was ordered to find security for his good behaviour for the next three months, and to give twenty-four hours notice of bail.

27. **FIRE IN WESTMINSTER ABBEY.**—A few minutes after 10 o'clock in the evening, flames were seen issuing from the north transept of Westminster Abbey. The alarm being given, the ten o'clock bell was rung, and the Abbey was soon surrounded by crowds. The Dean of Westminster was out of town, but every assistance was afforded from his house, which is situated in the cloisters, and a supply of water

was furnished by means of buckets. From the confusion and alarm which prevailed, there was some difficulty in reaching the place where the fire had broken out: the fire-escape was tried, but found too short to reach the spot. The door leading to the vaultings of the edifice was opened, and several men having ascended the stairs nearest to the flames, it was ascertained that the screen had caught fire, and fallen on the boards, which were in a blaze. The fire was fast communicating to the roof, and for some time threatened destruction to the building. The engines soon arrived, but the firemen were unable to bring the leathern pipes to operate with effect, though they came in time to prevent the further spread of the conflagration. Had the alarm been given half an hour later, the roof of the Abbey must have been entirely consumed, and probably the greater part of the building. The damage done was fortunately very trifling, being merely the destruction of a screen or partition formed out of a cast-off scene once used in the Westminster plays. This screen had been put up some time before, to exclude one of the nooks or recesses in the gallery nearly over the communion table, and the space thus enclosed was used as a sort of lumber-room. It was a part of the building into which no person had access, except the workmen usually employed in repairing the roof, and as there were no repairs in progress, the cause of the fire was involved in mystery. No combustible matter was found. An inquiry was instituted before the magistrates of Queen's-square office, but led to no result. Mr. Hollicombe and Mr. Carter stated

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the hours at which the workmen were admitted to the Abbey, which was from nine o'clock in the morning until six o'clock in the evening, when all the gates were made securely fast, and the keys safely deposited. Two Italian modellers and a labourer, who were the only persons employed in that part of the building where the fire occurred, were next closely examined, but nothing was elicited to criminate any one. A number of workmen were also examined, who had been for a considerable time employed about the Abbey, but it was proved that on the day of the fire they were engaged at a house in the Little Cloisters. It appeared from further evidence, that any person, who had gotten access to the Abbey, would find no difficulty in picking the locks in king Henry VIIth's chapel, from their simple construction and defective state. It is supposed they are upwards of two hundred years old, and from every appearance they seemed to have been picked, particularly at the door where it was supposed the entrance was gained. Orders have since been given for new locks to be put on the doors of both aisles of Henry VIIth's chapel. Mr. Carter stated, to some questions by the magistrates, that the men, who were employed in modelling, were not permitted on any occasion the use either of fire or candle. It was stated in the course of the examination, that footmarks were perceivable in a passage near a door where it is supposed that the incendiaries must have entered, the stairs being indented with rough hobnails, and marks of iron-shod shoes: accordingly the shoes of most of the workmen were inspected, but they did not tally with the marks so de-

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scribed. One of the witnesses deposed to finding a piece of lead nearly half a hundred weight, near the door at Poet's-corner, which it was supposed had been taken from some part of the Abbey. The general opinion was, that the fire had been occasioned accidentally by some persons who had entered the Abbey for plunder, or rather had remained concealed in it after service in the afternoon. The difficulty was, how had they made their escape? and that they were supposed to have effected by a small door on the right hand of the south side of Henry VIIIth's chapel, situated within one of the abutments. This door was scarcely ever opened, and was secured only by a bolt on the inside, without any outer fastening. The staircase communicates with the northern transept; at the bottom of these stairs the lead mentioned above was found, which had been stripped off the roof; and the door was open. A few yards opposite from the door is the iron-railing which surrounds the chapel, and marks and foot-steps were plainly traced; the top of the railing was muddy, and had the appearance of a place over which some persons had escaped.

ADMISSION OF CATHOLIC PEERS.

—On Tuesday, the 28th the House of Lords resumed its sittings after the Easter holidays. On the left side of the House several ladies were seated, to witness the expected introduction of the Catholic peers into their lordships' House. Soon after, the duke of Norfolk, lord Clifford, and lord Darnley entered, accompanied by several noble friends, and proceeded to the table of the House, and severally took the oath prescribed by the late Roman Catholic Relief

bill. On Friday, the 1st of May, three other Catholic peers, lord Stafford, lord Petre, and lord Stourton, took their seats.

29. UNION HALL.—About four months ago, the son of a Mr. Roberts, residing in the neighbourhood of Cavendish-square, left home for the purpose of proceeding to a day-school in one of the adjacent streets. Not returning home when he was expected, inquiries were made, and it was ascertained that he had not been at school that day. His parents became extremely uneasy at his absence, as night approached; and although every effort was made to discover tidings of the lad, the night passed away without his return. The following day redoubled exertions were made to find him, but every method to trace him was unattended with success. Four months had elapsed, and still no tidings were heard of the boy, and his parents and friends gave him up as lost. On the 11th of February last, a squalid-looking boy, about eleven years of age, in a starving condition, with clothes scarcely sufficient to cover his body, and without either shoes or stockings, was taken before the magistrates of Union-hall. He had been seen the same morning in Kent-street, singing ballads, by a Mrs. Richardson, the wife of a tradesman, who, taking compassion on his forlorn state, questioned him: and his answers convinced her, notwithstanding the condition in which he then appeared, that he had been tenderly reared, and was far above the sphere of those persons whose necessities compel them to wander about the streets to gain a livelihood by such means. Mrs. Richardson took the boy home; and having given him food, which

he stood very much in need of, accompanied him to Union-hall, and having stated the circumstances under which she found him, the magistrates gave directions that he should be admitted into Newington workhouse, until inquiries were made respecting his relatives. When at the police-office, the boy's appearance indicated want and privation: his clothes were covered with vermin (not having been changed for a length of time), and his legs and feet were swollen in such a manner, that he could walk only with difficulty: he declared that he had not slept in a bed for three weeks previously, but had lain down in carts and out-houses. It was apparent, however, that he wished to conceal the abode of his friends, and in order to strengthen this belief, he said that his father and mother were dead. While in the workhouse, Joseph Snow, the beadle of Newington, all along suspecting that the boy was deceiving them, and that he had friends in town, tried every expedient to ascertain the fact, in order that he might be restored to his parents, and the parish relieved from the burthen of his support. With this view he questioned him over and over again, but the boy still persisted in declaring that he was an orphan, and actually remained from the 11th of February until last Wednesday an inmate of the workhouse. A morning or two previous to the day mentioned, Snow, still impressed with the belief that the youngster was imposing on him, began to ask him some of the usual questions, as to whether he could tell where his father resided when he was alive. The boy answered that his father used to live in East-street, Cavendish-square, opposite the sign

of the "Leopard" public-house and actually gave the name of an undertaker residing in the same street, who he said had buried his father. On hearing this, Snow, imagining he might obtain some information on the subject, took the boy thither, and having inquired, found that an undertaker of that name formerly lived in the street, but that he had long since removed, and no one could tell his present address. The landlord of the "Leopard" disclaimed any knowledge of the boy, as also did a Mr. Bennet, of Welbeck-street, a master chimney-sweeper, who the boy alleged used to sweep his father's chimnies. Snow finding all inquiries fruitless, was about to return back to the workhouse with his young charge, when, in passing the end of a street leading out of Welbeck-street, a little boy came running up to our young hero, and addressing him by the name of Roberts, expressed much pleasure in seeing him. Snow, immediately on seeing the little fellow, detained him, until he gave such an account as led to the discovery of the abode of the father of this extraordinary boy, with whom it appeared the little informant had been a schoolfellow before the former abandoned his home. Snow, acting upon this information, repaired to the residence pointed out to him and there found Mr. Roberts, the boy's father. The beadle having expressed a wish that the father of the boy would attend before the magistrates, Mr. Roberts appeared at Union-hall. The only explanation he could give of his son's conduct was, that the boy, having contracted a small debt in the neighbourhood, and being fearful that he would be chastised for it, had suffered the

privations that he had gone through, rather than run the hazard of being punished.

23. DISTURBANCES IN THE MANUFACTURING DISTRICTS. — At Macclesfield, on Thursday, a meeting was held for the purpose of petitioning parliament against the measures proposed by Mr. Fitzgerald, and for an indemnity for the losses the weavers have sustained. At this meeting one of the speakers made use of very violent and inflammatory language, which, coupled with the determination of Messrs. Brocklehurst, the most extensive manufacturers in the town, to make a further reduction in their already low wages, led to the mischief that followed. About eight o'clock on the evening of Monday the 27th, the first demonstrations of riot were manifested, by the assembling of parties of men and boys in the Market-place. In about half an hour, nearly a thousand individuals had assembled, and at a given signal they proceeded, amidst loud cheering, to commence the work of demolition at Messrs. Brocklehurst's factory, in Hurdsfield, about half-a-mile from the town. Meanwhile, the magistrates and some of the principal inhabitants of the town, without having any distinct idea of the object which the rioters had in view, assembled at the Town-hall, and a number of special constables were sworn in. The recruiting parties stationed in the town were also put under arms, and, in company with the special constables, followed in the route taken by the mob. On their arrival in Hurdsfield, however, they were too late to prevent the completion of the mischief, for the mob had succeeded in demolishing all the windows in the front of Messrs. Brocklehurst's factory, and in breaking

and extinguishing every gas lamp in their route. On the approach of the civil force the mob speedily dispersed, and before midnight the town was restored to its wonted tranquillity. A meeting of delegates from the several factories was held the same night, when it was resolved that a general strike of all the weavers should take place, until Messrs. Brocklehurst agreed to pay the prices which are paid by other manufacturers. On Tuesday morning a meeting of the weavers was held in an empty factory, when the resolution passed by the delegates on the previous evening was unanimously adopted; and between two thousand and three thousand weavers paraded the streets during the afternoon, but without any manifestations of riot or disorder. On Wednesday, the 29th, the turn-outs again assembled, and were joined by the weavers who had been in Messrs. Brocklehurst's employment, and by several others who had not previously united with them. They amounted to upwards of four thousand, being the whole of the weavers in the town. After having listened to the addresses of their leaders, who again urged them to moderation and tranquillity, a letter was read, requesting the mayor to call a meeting of the manufacturers, in order to form some regulation with respect to wages, which, it was alleged, would remove all cause of complaint amongst the workmen. The procession then formed and marched through the town, preceded by a band of music, and accompanied by men dressed as mourners, and others bearing black flags and various emblems of their condition. Amongst these were a small loaf at the end of a pole, trimmed with black crape, knives

and forks, shuttles, &c. &c. similarly decorated. One of the flags bore the inscription "We only want to live by our labour," and others were trimmed with black crape and streamers of black riband. As the procession moved through the streets, several shop-keepers distributed loaves of bread and other provisions to the people, who, as before, maintained the greatest decorum throughout their progress, and quietly dispersed, after having been harangued by one of their leaders, who requested them to maintain that peaceable demeanor they had hitherto evinced. On Thursday and yesterday, the processions were repeated as before, with the addition of several flags, and a loom decked with black crape, drawn on a hand-cart. The flags were principally made of black silk, and bore the following inscriptions:—"Unity."—"They who oppress the poor, reproach their Maker."—"We trust in God to bring us through."—"We wish to live by our labour."—"Oppress not the poor."—"The labourer is worthy of his hire."—"Cursed is he who grindeth the face of the poor," &c. &c. At the end of one pole, also, were suspended several teeth, with the inscription—"To let, the owners having no further use for them." The processions passed off without any symptoms of riot.

At Rochdale, too, on Monday the 27th, a meeting was held in the open air, at which it was resolved that those men, who had withheld their quota from the Union, should be visited by the weavers in a body. Not satisfied with collecting the contributions, and requiring the delivery of the shuttles from those who paid less than the statement prices, they proceeded on Wednesday the 29th, to make forcible entry into

the factories of Mr. Robinson and Mr. Lomas, and removed the shuttles from the looms. On Thursday, the 30th, another large mob assembled, consisting chiefly of woollen-weavers and others employed in the flannel manufacture. They marched to the manufactory of Messrs. Chadwick and Sons, in Drake-street, who, having been apprized of the intended visit, had bolted and barricaded their doors, and closed their windows. As soon as they arrived at the manufactory, they began to force the door, which resisted their efforts for a considerable time. At length it gave way; they rushed up stairs, seizing every thing which could be converted into an instrument of destruction or a weapon of offence. When they reached the second room, they began to beat the men who were at work. In this room was a working mill, which they broke. They then went through the other rooms, damaging, more or less, the materials in eighteen looms; and, in the upper story, they partially destroyed the work in seven jennies. During the time this was going on, the workmen and overlookers were occasionally beaten and struck. When they had finished, they returned into the street, set up another shout, and went to the house of a working man at Kilnditch, whence they took the shuttles and rollers, but without breaking any thing, or offering personal violence.

MAY.

2. ASSASSINATION. — *Paris.*— This morning, in the face of day, and in the middle of the *place Louis XVI.*, M. Calemard Lafayette, deputy of the Upper Loire,

was assassinated. A. M. Plagniol was in wait for him, and going up to him discharged a pistol at him, and the ball passed through his chest. The assassin immediately afterwards blew out his own brains, and expired on the spot. M. Lafayette expired next day. "The origin of M. Plagniol's hatred towards M. Calemard Lafayette is said to be unfounded jealousy. This induced him to challenge the latter several times, but without effect. At the last election M. Calemard was the President of the College of Puy, and was pointed out as the member for the right. Though he was on the same side, Plagniol used all his efforts to prevent his election. In the hall of the college, he lavished insults

on M. Calemard, and renewed his attacks. For a long time his pecuniary affairs had been embarrassed, and he expected some assistance from the indemnification granted to emigrants, and, to obtain this, he made an application to the commission of liquidation. M. Calemard formed a part of it. Not receiving what he conceived his right, he never ceased reviling M. Calemard, until he quitted Puy, a short time since, for Paris. The captain of the gendarmerie of the Upper Loire thought he ought to inform M. Calemard of his departure, and had him on his guard.

CRUELTY TO SERVANTS.—*West's Quarter Sessions.*—*The King v. Charlotte Philp.*—The defendant was charged with assaulting Mary Anne Soffe whom she had taken as a servant from the workhouse of the parish of St. John West. The first witness was the girl herself. She said she had gone to live with Mr. Philp, North-west, Brighton, on the 6th of November last. Having offended her

mistress, who charged her with burning the hearth-rug, which was not true, she said she would forgive her if she confessed it; and if she did not, she would punish her. Witness, from fear of being punished, said she did do it. At dinner, though she had confessed, her mistress threatened to strip her; but Mr. Philp said—"My dear, you sha'n't. The girl has told the truth, and you would break your word." Mr. Philp then went out, and her mistress made her strip herself quite naked in the parlour behind the front shop. Her mistress told her she should strip, and untied her frock and pin-afore, and then pulled off the rest of her clothes. She pulled off all. Witness was stripped quite naked. Her mistress then sat down on all the clothes, and ordered her to clear away the dinner things. Whilst naked, she took the dinner things from the parlour into the kitchen below stairs. She slept usually in the back kitchen; it was in the front kitchen the things were taken. She gave her all the time no clothes whatever; this took place sometime after one o'clock. After she had taken the dinner things into the kitchen, her mistress ordered her to go up stairs into the drawing-room, and dust all the things; she did dust all the things, made the bed, and emptied the slops, &c., being the whole of the time quite naked. Her mistress was with her the whole of the time, except when she was down in the kitchen. She was kept naked from dinner till tea time, about five o'clock. Her mistress beat her whilst naked, with a birch rod made of an old broom, hit her with a broom, and kicked her with violence till she was bruised. The bruises remained on her for some-

time afterwards. Philp came to the parlour-door, while she was naked, and asked her mistress, if she (witness) had got on her clothes. Witness heard him ask this as she was going down the stairs. He said, "Has not she got on her clothes yet, my dear? Let the girl put on her clothes." Her mistress said, "She is just going to put them on." There were only her mistress and her little boy in the room. In the evening, her mistress went out, and left witness at home with some stockings to mend. She came home very late, candles were lighted when she went out. When she came home, witness had not finished her needle-work. She had mended one stocking, but not the other. Her mistress complained of the work not being done. She said, "you have been to sleep, Ann." Witness told her she had not. Her mistress then pushed her down, pulled her hair off her head, and said witness should stand by her bed all night, as she (witness) had taken already her night's rest. She knocked her against the door-post, so that she received a black eye, and then ordered her to go into the kitchen without candles. Witness found a handful of hair torn from her head. She afterwards stood by her mistress's bed-side all night, till it was time in the morning to light the fires. She did not sleep at all during the night. Mr. and Mrs. Philp and the little boy were in the bed. Her mistress said, if witness offered to go to sleep, she would get out and give her the rod. Remembers the Wednesday following—the second time her mistress stripped her. On the evening of that day, her mistress said to her, "I have a gentleman coming to see me to-night; I suppose you don't wish to tell, and

I shall not." On that night her mistress came home late; witness was at needle-work; she beat witness again very much—she said she had been to sleep,—for that they (her master and mistress) had broken windows in throwing stones to make witness hear them to let them in. She beat her very much with her hands and the rod, and kicked her. Witness forgets whether it was the same night that she was made to sit up all night the second time. That second time her mistress said she should stand all night against the drawers in the bed-room. She did stand all night;—"no I once sat down on the carpet, when my mistress knocked me on the head with a stick, and said if I offered to sit down again, she would beat me with the rod." Witness did not go to sleep at all; this was the second night. "On the Friday when I left, she said she would strip me naked again, before her husband and the apprentice boy, as she said I had done something which I had not done. I ran away, because I did not like to be shown naked before my master or the boy." Witness, after she left her service, returned to Mrs. Marsh, the governess of the workhouse at Lewes, by a cart.

The cross-examination did not shake her testimony.

Sarah Grinyer examined.—Lived at Mrs. Philp's when last witness came there; lived with Mrs. Philp only four weeks; Mrs. Philp did beat the girl; had seen her beat her on the back with her hands so as to leave the marks; had seen her box the girl's ears and shut her in the back shop.

Mary Marsh, governess of St. John's workhouse.—The girl came back on the 13th February, about

half-past six o'clock; she complained of ill usage, and said she had run away in consequence. Witness next day examined her person; she was bruised from the knee to the hip; her eye was black all round, and a place on her head about the size of a sixpence was bare. The bruises appeared to witness to be the effects of severe beating or kicking. As the girl was an orphan, witness thought it her duty to inform the parish officers of the circumstances.

For the defence, were called Lucy Luxford and Elisabeth Rose, to show that Soffe had given a very different account of her treatment by her mistress, and of the cause of her finger being cut.

Mr. Battcock, surgeon, examined.—Attended Mrs. Philp professionally in November last. She was confined the most of that month to her bed, only sitting up at intermediate times in an arm chair. Her child was very ill also in November, January, and February. Hair could not be torn from the head of a person to the size of a sixpence without tearing the skin. Mrs. Philp bore an excellent character. The girl, as he learned from the shop-book, came to his house to have a cut on her finger dressed; his partner, not himself, attended to it; don't know when it was. Had only known Mrs. Philp professionally.

Mary Anne Soffe recalled.—Had seen Luxford on some former occasion in St. Mary's-lane, Lewes. Never saw Rose before in her life; is sure she never did; never dined at Rose's. Left Philp's house about one o'clock.

By the Chairman.—How do you account for your time afterwards? You did not get to the workhouse, you have stated, till six o'clock that evening.

Witness.—The bone man stopped at Falmer to get bones and iron "ever so long;" I think it was Falmer, but am not sure; did not know who was meant by Luxford: had seen Luxford before at Lewes; did not see her on the day she (witness) left Philp's.

The jury consulted together for one hour and a quarter, at the end of that time they returned a verdict of *Guilty*.

The sentence of the court was, that Mrs. Philp should be fined 20*l.*; that she should be imprisoned three months in his Majesty's gaol at Horsham, and at the expiration of that term, find two sureties of 50*l.* each, to be of good behaviour for two years. The prisoner was then taken out of court in the custody of the keeper of the House of Correction. When she got into the outer part, she and the keeper were much pressed by the mob, and the persons who had her in custody had much difficulty in keeping them off.

DISTURBANCES IN LANCASHIRE.—Towards the end of April several persons engaged in the manufacture of shirtings by hand, — amongst whom were Mr. Thomas Harbottle, in Pollard-street—Mr. Twisse, in Mather-street—and Mr. Guest, in Union-street, Ancoats, — reduced the price for weaving shirtings, by taking off a bounty of 3*d.* paid on each piece beyond a certain number which each weaver produced in a week. When this reduction was announced, the majority of the hands in those establishments left their employment; but, after remaining out a short time, generally returned to their work. On ascertaining that they had done so, Messrs. J. and T. Parker, who were engaged in the same line of business, but had not previously concurred in making the reduction,

gave notice to their hands, that they would reduce their prices also. In consequence of this announcement, all the shirting weavers employed at their factory left their employment. On the morning of Sunday the 3rd, a meeting was held in a field to the north-east of the town, which was attended principally by hand-loom weavers. A number of addresses were made descriptive of the misery which was endured by the speakers and their families, and it was taken into consideration what should be done to prevent that constant reduction of wages which threatened to render their present wretched lot even more intolerable. It was at last resolved upon, that certain hand-loom weavers, who worked in factories, and who had on Saturday agreed that the "cut" which had been paid 2s. should be reduced on Monday to 1s. 9d., should be invited to leave their factories rather than submit to the reduction. On Monday the 4th, at ten o'clock, another meeting was held in the same place, and was attended by four or five hundred persons. At this meeting, the most violent and inflammatory language was used towards the parties who had been concerned in making the reduction. One speaker exhorted those who were hungry and thirsty, to go to any place where there was meat and drink, and help themselves, telling them that the law of nature perfectly justified such a proceeding.

After remaining assembled rather more than an hour, the meeting broke up, and the persons who composed it proceeded towards the factory of Mr. Twisse, in Mather-street; where, after pouring a volley of stones into the windows, they forced their way into the building,

and began to tear the cloth and warps out of the looms, and greatly damaged the looms themselves. From this factory they proceeded to that of Mr. Harbottle, in Pol-lard-street, where, also, they commenced their operations by smashing the windows; then, forcing their way into the building, they destroyed nearly all the hand-loom, throwing part of them, with the cloth and warps, into the canal. This factory contained a number of power-loom as well as hand-loom, and the former were left untouched, whilst the latter were destroyed. The mob destroyed likewise a number of carding-engines, which had no connexion with the looms against which their hostility appeared to be directed. From Mr. Harbottle's factory, they went to that of Mr. Guest, in Union-street, where they proceeded, as in the two former instances, breaking the windows of the building, destroying the looms, and dragging out all the cloth and warps which they could find, throwing part of them into the canal, and strewing the remainder about the streets.

Up to this point their progress had been wholly uninterrupted; not a single soldier or peace-officer had encountered them. A little before twelve o'clock, however, intelligence was received of the attack on Mr. Twisse's factory; and Mr. Lavender, with about ten policemen armed with cutlasses, proceeded to the place. On their arrival there, they found that the mob had finished their work of devastation in that quarter, and were gone away. After some inquiries, it was ascertained that Mr. Guest's factory was at that time the object of attack; the police hastened thither, and arrived

just when the mob had finished the destruction of the looms on the ground-floor of the building. The moment the police made their appearance, the mob gave way, and fled in all directions; but finding how small the party was, they turned, and attacked the officers with stones, which were showered on the party in great profusion. A charge upon them with cutlasses, however, again drove them away; and Mr. Lavender, with his party, proceeded by way of Oldham-road to the New Cross, the mob following them at a short distance, and occasionally pelting them with stones. On arriving at the New Cross, a general attack was made upon them; and here, a man, who was seen to throw a stone, was allowed into the crowd and seized by one of the officers. The moment this was observed by the rioters, they redoubled their efforts, no doubt intending to rescue the prisoner. The police-officers, not having any means of resisting the missiles which were showered upon them, retreated down Oldham-street, carrying with them their prisoner, and frequently turning upon the mob, who invariably fled at their approach, but returned to the charge with volleys of stones as soon as their backs were turned. In this manner the officers made their way to the bottom of Oldham-street, where the attack upon them was so fierce, that they were compelled to take refuge with their prisoner in the Albion-hotel. While one part of the mob pursued the police-officers down Oldham-street, another party proceeded to the factory of Messrs. John and Thomas Parker, in Dyche-street, where they arrived a few minutes before one o'clock. At that time the few work-people, who

had not turned out, were gone to their dinners; and the only persons on the premises were the two Messrs. Parker, the watchman, and two other individuals. When the mob arrived in the front of the factory, they poured a volley of stones through the windows of the upper rooms; the lower windows being all protected by shutters, which were closed at the time. After spending a short time in breaking the upper windows, two or three men broke open the shutter of one of the lower windows with an axe; several persons then entered the premises, through the window, and immediately began to throw out some large yarn-beams, with iron flanges at the ends. These were used as battering-rams to force the entrance gate, which speedily gave way, and the lower room was, in a short time, filled with the rioters, who commenced the work of destruction as in the factories which they had previously visited, breaking the looms, and strewing the cloth and materials about the streets. They also set the building on fire in several places. Information of the attack on this factory was conveyed to the Albion Hotel about half-past one o'clock; but it was after two before a number of military arrived adequate to the purpose of encountering the rioters. At length, about twenty of the 1st Dragoon Guards, with a recruiting party of marines, were assembled, and, with Mr. Lavender and a few police-officers, proceeded towards the factory. They arrived just when the flames had spread through the whole of the room on the ground-floor, and had manifestly gone too far to be subdued. The floors and beams being entirely of wood, the progress of the fire was extremely

rapid, and, in less than an hour, the whole interior of the factory, with about four hundred looms, a large stock of calicoes, warps, weft, and cotton, were entirely destroyed—not even a book being saved from the counting-house. Owing to the intense heat of the conflagration, a number of houses in the neighbourhood were set on fire, and were more or less damaged; but by the exertions of the inhabitants, and a slight change in the wind, they were all saved from destruction.

Up to a very late hour at night, on the 4th, strong parties of military patrolled the streets in the neighbourhood where the proceedings of the day had taken place; but no further outrage occurred. While destroying the factories, the mob did not forget their other doctrine of being entitled to take food wherever they could find it. About nine in the morning the streets became crowded with idlers, and the shopkeepers, for their own safety, shut their shops. The whole aspect of that district, containing perhaps twenty thousand persons, was most alarming, for it was obvious, that the idlers were there for some violent purpose, and no one was aware how and where it would break into action. It would seem as if the people were waiting for some accident to direct them, for nothing was done till about ten o'clock. At that time a cart loaded with bread passed along Oldham-street. The opportunity was instantly seized; the cart was eased of its load, and women and boys were seen diverging in all directions with the newly-baked loaves. The beginning once made, future violence was easy. A cry arose of "More bread! Let's try the bakers," and a clamorous mob was

immediately at the door of every baker's shop in the street. Where bread was given to them, they went off peaceably; but where resistance was offered, the bread was taken by force. One baker, who was imprudent enough to brandish a knife in the face of the people, had his shutters and his windows smashed to pieces, and his shop gutted. From the bakers' shops they proceeded to the general provision shops, where they were readily assisted. They then set about exacting a general contribution, and levied aid from every shop throughout the district; the property of a large portion of the town was placed entirely at the mercy of a mob. It was out of the question to offer resistance; and the shopkeepers, profiting by the sight of the danger to which those who had resisted exposed themselves, endeavoured to conciliate the good will of the rioters by instantly affording them aid in bread or provisions. In two or three instances a wholesale robbery took place, notwithstanding the readiness to give what was wanted; but in most instances the mob were satisfied with what was given to them, and went away without offering violence. At one shop where they called twice, the shopkeeper addressed them on the injustice of coming twice to him in one day, and begged that they would not, by spoiling him to day, disable him from relieving them to-morrow. The address had the desired effect, and the man's loaves were spared. All this spoliation was the work of a very short period of time. It was impossible to provide against it, for, even when the peace-officers and the military came, it was carried on at one end of the street while

they were engaged at the other end; and when at length the Dragoons got on the foot-pavement, and cleared it by galloping furiously along, the mob was only driven from Ancoats to Hanging Ditch, where they were equally successful in levying contributions.

5. CHILD STEALING.—*Leeds Sessions*.—Hannah Atherton, the wife of Mr. William Atherton, hardwareman, of Otley, was charged with stealing a male infant child, of the age of five weeks the son of Samuel Lee, a cloth-weaver, at Woodhouse, near Leeds. The prisoner was a well-dressed respectable, matronly woman.

Elizabeth Lee stated, that she was a cloth-weaver, at Woodhouse. She had been confined early in December last of a male child. Knows the lady at the bar. She saw her, for the first time, on Sunday, the 11th January, when the prisoner called, and told her that she had been desired by two ladies to inquire into her circumstances. Witness told her that she had been much distressed, and if it had not been for the goodness of the ladies, she would have been much worse off. On the following day, this lady came to her house again, and told her that she came with Mrs. Smith's compliments, and with a message, which she said would be best explained by reading a letter which stated that Mrs. Smith sent her compliments, and requested that she would let Mrs. Carroll have her child for a month or two, as she had lost her child, and was in danger of suffering from a milk fever, and unless she could have another infant to supply its place for a month or two, she would die. The lady added, that the child would be well taken care of, and said, that, if she lost her milk, a

nurse would be procured for the child. The witness asked the prisoner, if the Mrs. Smith mentioned in the letter was Mrs. George Smith of Little Woodhouse? The lady said she was the person; and witness said she durst trust her life in her hands. Mrs. Atherton then produced a dress, which the witness put upon her child, instead of the clothes it had on. The lady gave her a sovereign, and witness accompanied her to the top of Woodhouse-moor, when she gave her the child. Witness said, from inquiries which she made at Mr. George Smith's, she was induced immediately to set out in search of her child, which she found at the prisoner's lodgings in Woodhouse-lane, about half-past one o'clock. The prisoner had the child in her lap, and was apparently in the act of suckling it. Witness exclaimed "That is my child;" the prisoner said "No, it is mine." Witness, however, took the child from her, and put it to her breast, on which Mrs. Atherton said, "If the child is yours, the clothes are mine."

Mrs. Alice Ibbetson stated, that Mrs. Atherton lodged at her house; she came on the Wednesday before the transaction happened, and stated that she should remain a few days or a week. She stated, that Mrs. Atherton went out on Monday, about 11 o'clock, and returned about one o'clock on the same day with a baby. Witness soon after heard that Mrs. Lee had lost her child, which she mentioned to the prisoner, who seemed much struck with it. Witness said, she looked at the child, but from the difference of its dress, she did not think that it was Mrs. Lee's child. The mother of the child soon came and claimed it; the prisoner at first said it was her own

child, but soon after delivered it up to Mrs. Lee. Witness, on her cross-examination, said, that Mrs. Atherton treated the infant with the greatest tenderness, and witness did not think that she intended any harm to it.

For the prisoner it was contended that the case had not been made out, as there had been no evidence given to prove that Mrs. George Smith had not sent the message which the prisoner represented her as sending, and no proof had been given of any inquiry having been made after Mrs. Carroll. As far therefore as appeared in evidence, the account she had given to Mrs. Lee might have been strictly true.—The recorder decided that, though the specific fraud mentioned by Mrs. Lee had not been proved, there was in the whole transaction sufficient marks of fraud to raise a case for the consideration of the jury.

The prisoner then put in a written defence, the purport of which was to show, that, in consequence of what she had heard of the deplorable state in which Elizabeth Lee was, she had visited her, and had taken the child to nurse for her, out of compassion, and had given her a sovereign to relieve her necessities and to induce her to part with the child.

On the part of the prisoner, four very respectable witnesses stated that Mrs. Atherton was a woman of the most benevolent and humane disposition, and was particularly attached to children, and her conduct to the two orphans then in court (looking at two fine ruddy children standing conspicuously in the front of the bench) had been beyond all praise: she had taken them and educated them with the utmost care and tenderness at her own expense.

The Jury found a verdict of "*Guilty*," but strongly recommended the prisoner to the mercy of the Court, on account of her previous good and humane character.—She was sentenced to one month's imprisonment in the Castle of York.

5. AFFRAY AT ROCHDALE.—On Tuesday the 5th, a meeting of magistrates was held at the Wellington Hotel in Rochdale, for the examination of a number of persons apprehended as having been engaged in the riot of the preceding week. The magistrates discharged seven of the men, and committed sixteen to take their trial at the York assizes. The Wellington-hotel is at a considerable distance from the prison, and as it was feared that a rescue might be attempted, the prisoners were not only handcuffed, but all fastened together by a rope; and in this manner were conducted through the main street by a party of the Carabineers. As the procession was on its way, the mob vented loud execrations against the soldiers, mixed with expressions of sympathy for the prisoners. Several large stones were thrown at the soldiers, who exercised throughout a most laudable forbearance. When the prisoners were lodged in the gaol, the mob partly dispersed, and the carabineers retired, leaving the prison guarded by nine soldiers of the 67th foot, commanded by a serjeant and corporal. The mob, seeing so small a force, rallied, and in a short time began to throw stones at the guard, and several of the men were hurt. The serjeant then said, that if they did not stop, he should be compelled to order his men to fire; but his warning produced no effect. He then ordered

ut two men and told them o fire. The men obeyed, and the report of the muskets produced a good deal of consternation. But when it was seen that no one was hurt, the mob rallied, and attacked the soldiers with additional fury. The serjeant then ordered out all his party, and the whole of them fired. Again there was a retreat, but as none were killed, though several were wounded, another attack was made. Another volley was then fired. One man fell dead upon the spot, and several others were mortally wounded. There was then an instant retreat, and not a person was left in the street.

A lad named Walton was amongst the number of those who were wounded. A ball went in at his mouth and passed out at the back of his head. He died five minutes after being removed to Mr. Wood's surgery.

Another man was shot through the belly, the ball entering in front and coming out at the back. He died next morning, leaving a widow and five children.

A lad who had been drawn into the crowd by curiosity, was also shot through the bowels, and died next morning.

At the first fire over the people's heads, a ball entered an upper window of a flour-mill, at least eighty yards off, where Mr. Stott's son, a child of between five and six years of age, was standing looking out on the mob. The ball entered his forehead, and went out at the back of his head, and he expired next day.

11. **DESTRUCTIVE FIRES.**—About half past three o'clock on the morning of Monday 11th, the watchman on duty near Bell-yard, Temple-bar, discovered smoke is-

uing in large quantities through the joints of the shutters of the shop of Mr. Carlile, the bookseller, at the western corner of Bell-yard. The alarm being given to the inmates, who at the time were only Mr. Carlile and his maid-servant, they both escaped; Mr. Carlile, with a broken leg, in consequence of having leaped from a window. The flames, in less than five minutes after, had got entire possession of the building, which from the top to the bottom was one burning mass. The rear of the house at the opposite corner of the court having taken fire, the destruction of these premises appeared certain; had it not been for the exertions of Mr. Roworth, the printer, in Bell-yard, and some men in his employment. Mr. Roworth, for the safety of his own property always keeps a powerful engine on his premises. It was brought into play, and confined the fire in that direction. But in the mean time, the flames had extended themselves to the westward, and reached the next house, that of Mr. Harper, a silversmith. At about five o'clock the flames reached the Sun Tavern, at the corner of Shire-lane, which premises range extensively up that notorious sink of infamy. The scene which then ensued, baffled all description; and the alarm became general, as nothing but total devastation to the whole of the infamous rendezvous, with which the lane abounds, was expected. The women, with their paramours, were seen in numbers hurrying in a state of nudity with their clothes under their arms from their habitations, and seeking shelter under the roofs of others of their sisterhood, whose houses were out of the reach of the conflagration.

The flames spread with increased fury, notwithstanding the exertions of the firemen, who had an abundant supply of water; and the houses were partially injured—but two of these receptacles immediately in rear of the “Sun” were levelled with the earth. The front walls of the houses of Mr. Harper, the silversmith, and also of the Sun Tavern, fell into the street with a tremendous crash, by which the engine of the West of England fire-office was almost broken to pieces. The falling of the walls alone checked the progress of the devastation; and at nine o'clock all further apprehensions of mischief had ceased, although the firemen still kept playing upon the burning ruins. At night, however, the fire which had been subdued in the morning, broke out several times; the engines were again called into action, and continued playing on the ruins until a late hour. About three o'clock in the afternoon a stack of chimnies belonging to the Sun tavern (a brothel), which stood tottering and threatened destruction to some of the adjacent buildings, was pulled down by the firemen, who contrived with great difficulty to get a rope round it, and by their united exertions, in about half an hour, it fell down towards Fleet-street, with a tremendous crash. The houses burnt down were those belonging to Mr. Carlile, bookseller (nothing saved); Mr. Harper, silversmith (stock saved—furniture, &c., destroyed); the Sun tavern (nothing saved); a brothel adjoining, kept by a woman named Solomons, nearly burnt to the ground; three brothels opposite, belonging to the notorious Dudfield; Mr. Ustonson's

in Fleet-street, damaged and in a dangerous state; two houses, No. 46 and 47, in Bell-yard, belonging to Mr. Mason, greengrocer, the back part entirely burnt; the house of Mr. Lucas, No. 45, adjoining, partly damaged at the back.

14. A more fatal fire broke out on the night of Thursday the 14th in the premises of Mrs. Usher, a tallow-chandler in Fenchurch-street, in which Mrs. Usher and one of her children perished. The following evidence was given on the coroner's inquest:

Joseph Skinner deposed, that the deceased, Mrs. Usher, was a widow, and carried on business in the oil-trade and tallow-chandlery, in Fenchurch-street. He was her shopman, but he did not sleep on the premises. On Thursday night last, about ten minutes after nine o'clock, he put up the shutters of the shop, and went to his lodgings. Mrs. Usher was in the shop when he left the premises, with her infant child in her arms, and her other two children—one seven and the other nine years of age—were up stairs in bed. No other persons were in the house. He had extinguished all the candles in the shop except one; there was no fire in any part of the house, and Mrs. Usher, before he went away, observed, that she should not have a fire lit that night, as she had cold meat in the house for supper. The premises had formerly been lit with gas; but the pipes had been removed, except one, which came from the main into the cellar; that was air-tight he supposed, as he never had observed any escape of gas.

George Hooper stated that he resided in Eldon-street, Moorfields. He was sitting in the Red

Lion public-house, Fenchurch-street, which is next door to the house of Mrs. Usher, deceased, and was told that her house was on fire; he ran into the street, and observed a light in the shop, but not more than could have been caused by the burning of half a dozen candles; a number of persons were in the front of the house in the street, calling out, and Mrs. Usher appeared at the three-pair-of-stairs window with an infant in her arms. He called to her, but she did not appear to be conscious that the house was on fire, and she exclaimed, "Lord have mercy on me, what is the matter?" The shouts of the people in the street soon informed her of her perilous situation, and she appeared to be dreadfully alarmed. Some persons ran off for a ladder, and he (witness) called to the deceased to come down stairs and open the front door; she had plenty of time to have brought her children down and have escaped, but she did not come. The shutters of the shop-window were taken down and the window broken, when the air rushed in and caused the flames to spread with extraordinary rapidity. A short ladder was brought, which was of no service, and as the flames were spreading upwards, he made the best of his way to the roof of the house of Mr. Wood, next door, and from thence to a trap-door which led into the house of Mrs. Usher: he found the trap-door open, and the smoke issuing through in so dense a mass that he could not enter without danger of suffocation; he remained on the roof of Wood's house for a considerable time; he was informed that two children were in the garret of Mrs. Usher's house.

Juror.—Yes, I saw them in the gutter for half an hour before they were rescued from their perilous situation, and for a quarter of an hour the firemen were playing upon them.

Witness.—He descended from Wood's roof, and took the children from the gutter to Mr. Wood's house; they appeared to be half dead with terror, and were wet to the skin; the eldest child was asked by him where her mother was, and she replied, that she was with her infant in the front attic; after the fire was extinguished (between four and five o'clock), he went with a fireman to the top of the house, and on entering the attic he found Mrs. Usher, and her infant clasped in her arms, lying dead under the window; she was not burnt in the least, but the child's cap had been singed.

Coroner.—They must have died from suffocation?

Juror.—I saw her at the attic-window with her infant in her arms, imploring assistance; as the flames rose her alarm increased, and I believe that she fainted, and fell on the floor.

Mr. Hall, one of the jurors, said, that, as soon as the alarm of fire was given, he and others ran off, and they got the key of the fire-ladders, and a ladder was brought in about five minutes. That was found to be too short, and seven minutes more elapsed before a long ladder arrived. Had the long ladder been brought at first, he believed the lives of the deceased might have been saved; but every dispatch, which humanity could prompt, was used on the occasion; and it was only through the hurry and alarm of the moment, that a long ladder was not brought in the first instance.

The jury, without much consideration, returned a verdict "The deceased persons came to their deaths in consequence of the house accidentally taking fire."

And, on the night of the 21st, a fire still more destructive to human life, broke out in the house of a Mr. Pick, a furniture-broker in London road. The inmates of the house were, Mr. and Mrs. Pick, a child Mrs. Pick had by a former marriage, of the name of Mary Ann Clinch, a Mrs. Gregory, and her infant about three months old, and her sister, whose name was Eliza Robbenet: there was also the errand-boy, of the name of John Field: of all these, Mr. Pick himself alone escaped. Shortly after the first alarm had been given, a woman, with an infant in her arms, was seen standing at the second-floor window, as if for help, but no sooner were the shutters removed than the smoke mounted upwards in such volumes, that she was no longer able to retain her situation. The next-door neighbour, Mr. Smeed, finding that all hope of escape that way was lost, ascended to the trap-door at the roof of his own house, to see if any assistance could be rendered from that quarter. He had not been many minutes there before Mr. Pick made his appearance from the trap-door of his house, with no other garment on than his shirt, and with some difficulty was assisted into Mr. Smeed's parlour. At that moment the roof fell in, and buried all the others beneath it. On the inquest, the only survivor stated that at a quarter before 11 he had come home. He and his wife had a broiled mackerel for supper, which was cooked and eaten in the back parlour, and then, having raked out the fire, they retired to rest—pro-

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bably about twenty minutes past 11. He could hardly tell whether he had been asleep or not, when he was roused by the cry of "fire," on which he threw up the window, and saw that the persons beneath had succeeded in removing one of the shutters: on this he roused his wife and the lodgers in the next room, and they endeavoured to make their escape down stairs; but after descending a step or two, they found that progress that way was impracticable. The witness then became so confounded with alarm and agitation, that he could scarcely tell what subsequently took place. As far as he remembered, he got a chair from his bed-room, and by that means made his escape through the trap-door and down the next house, as described by Mr. Smeed. He had no doubt, that, if the shutters of the shop had not been so suddenly removed, they might have all been able to make their escape, for they had only to descend about eight or ten steps to get at the platform which led to his workshop; the smoke, however, was so overpowering, that, as he had stated before, they were obliged to return, after having descended a step or two.

21. **INSOLVENT DEBTORS' COURT.**—On the 4th of December, 1826, Mr. Richard Best was discharged under the act of parliament: more than two years before, viz on the 26th of April, 1826, his uncle, Mr. James Best, made a will, bequeathing absolutely to his nephew 400*l.* a year for life, and the interest of 5,000*l.* On the 28th of November 1828, Mr. James Best made a codicil, in which he revoked his former bequests, and bequeathed the annuities of 400*l.* and the interest of 5,000*l.* to two trustees, to be paid by them to his

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nephew for life, with an especial proviso, that no portion of them should be liable to any debts contracted or to be contracted by his nephew, nor should any part of the property be assignable or transferable to any assignee under insolvency or bankruptcy, or disposed of in any manner but for the personal support of the nephew and his family; and that, in case the nephew should attempt to transfer or assign the annuities or any part thereof, then the trustees were empowered to withhold payment of them, and dispose of them as they should deem fit for the benefit of the nephew. There was no clause in the will giving the property over to any other person.

Mr. Cooke had obtained a rule on behalf of the assignees, calling upon the insolvent and his trustees to show cause why the Court should not order part of the said annuities to be appropriated for the benefit of the creditors, the testator having died last December, and the insolvent being now in the enjoyment of the property.

Mr. Heath showed cause against the rule.

The Chief Commissioner, in giving judgment, recapitulated the facts of the case, and said, he had no doubt as to the jurisdiction of the Court in entertaining this question, and he had as little doubt that they could apportion a part of the insolvent's property for the purpose of discharging the debts he incurred previous to his discharge in December, 1826. It was argued on behalf of the trustees, that the Court could not order the assignment of any of this property, as that would vitiate the testator's will. It was true that the testator himself had foreseen something of this kind, and had endeavoured to prevent the

property from becoming liable to any debts that his nephew might have incurred or should afterwards incur: but there was no provision, that, if the insolvent transferred or assigned the property, or attempted to do so, the annuity should cease and be paid over to some other person; the codicil merely left it to the discretion of the trustees to dispose of the property in such a way as they should think fit, for the benefit of the nephew and his family. That being so, it was impossible that the insolvent could enjoy a life-interest in this property, unless it was subject to the usual incidents to a life estate; it was contrary to the policy of law, if that were the case. Under all the circumstances, the court were of opinion that the sum of 250*l.* a year should be paid out of the annuity of 400*l.*, for the gradual payment of the creditors.

Mr. Commissioner Law having concurred in the judgment, an order on the insolvent's trustees to pay 250*l.* a year to the assignees was made out.

27. DESTRUCTION OF OXFORD-STREET BAZAAR.—A little before 4 o'clock in the afternoon an alarm of fire was given from the Diorama picture gallery. The company, who were promenading the walks, soon gained egress to the street; not so the proprietors of the different stands, who strove to save their property. In this, however, they could not succeed, owing to the rapidity of the flames, which soon gained such an ascendancy, that all idea of preserving the building became hopeless. About twenty minutes after the fire broke out, the building was one mass of flame. A plentiful supply of water being obtained, ten or twelve engines were enabled to play with such

effect, as to prevent it from communicating to the adjoining houses. Before five o'clock the Bazaar was reduced to a heap of ruins, not 20% worth of property being preserved. The fire was supposed to have originated from some spirits of turpentine communicating to a beautiful transparency in the Diorama, representing "The Destruction of York Minster by Fire." The Bazaar was the property of Mr. Hamlet, the Jeweller, who let it out to the proprietors of the stands at so much a foot. The property destroyed consisted of the paintings in the Diorama, of which there was a choice collection belonging to different individuals, who placed them in the gallery of the Bazaar for exhibition; fancy merchandize of every description composed the rest. The property destroyed was formerly a workshop and carriage-repository, in the occupation of the well-known coach-builder, Mr. Leader, at which time it had entrances from Oxford-street, Castle-street, Winsley-street, and Wells-street. Having been bought by Mr. Hamlet, the entire area was cleared, and a bazaar and exhibition rooms erected on its site. Fortunately for the owners of the surrounding property, the walls were built of a thickness proportionate to the large area they enclosed; and, the roof having fallen in soon after the fire commenced, the flame was left without a vent, and was easily kept under by occasional exertions of the firemen.

RIOTS IN BETHNAL-GREEN.—During the whole month of May, extensive mischief had been done in Bethnal Green, during the night, to the property of the silk masters who had reduced, or refused to raise the rate of wages. The workmen, in whose hands the silk was,

opposed no resistance. On the afternoon of Wednesday 27th, two men, named Boyd and Pencroft, foremen to Mr. Ambrose Moore, the silk-manufacturer, pursuant to instructions received from their master, proceeded to the house of a journeyman weaver, named John Wilkins, to dispossess him of the silk he had in his house belonging to Mr. Moore. For their own personal safety they called at a public-house where a party of patrol were stationed, and requested the officers on duty to accompany them to Wilkins's in order to keep the peace, as they (Boyd and Pencroft) had been followed by upwards of five hundred of the operatives, who knew well the object of their expedition. Accordingly, three men, named Bell, James, and Hugglestone, attended them to the house. On reaching Wilkins's house, the two foremen took away all the unwrought silk they could find belonging to their employer. They had no sooner gained the street, than a sort of signal was given by the leader of the mob for attack; and, the next moment, bricks, stones, and other missiles were showered at them, and at the officers who guarded them. One of the officers, named Bell, was struck on the temple with a heavy stone with such violence, that he fell to the ground, the blood flowing from the wound in streams. The officers, who were but few, drew their pistols from their holsters, and resorted to their cutlasses, thinking to intimidate the mob, instead of which the production of the weapons only tended to increase their fury. At length, finding a retreat impossible, the officers fired their pistols in the air, and commenced flourishing their cutlasses, but all was of no avail. A rein-

forcement of patrol repaired to the scene of confusion, and, as well as they were able, combatted the assailants, who had now gained about half of Bethnal-green-road. One of the patrol having seized a leader of the mob, the fury of the rabble became greater than ever, and the officers, with their prisoner, had to seek refuge in a neighbouring house, till a strong body of police was dispatched from Worship-street.

CASE OF SUSPENDED ANIMATION.—A female, named Shorigny, about twenty-five years old, residing at Paris, had been for two years subject to hysteria. On the 28th day after she was first attacked, the physician, who came to visit her, was informed that she had died during the night, which much surprised him, as, when he left her the night before, she was better than usual. He went to see her, in order to convince himself of the fact, and, on raising the cloth with which she was covered, he perceived, that, though her face was very pale, and her lips discoloured, her features were not in the least altered. Her mouth was open, her eyes shut, and the pupils very much dilated; the light of the candle made no impression on them. There was no sensible heat in her body, but it was not cold and flabby, like corpses in general. The physician returned the next day, determined to see her again before she was buried, and finding that she had not become cold, he gave orders that the coffin should not be soldered down, until putrefaction had commenced. He continued to observe her during five days, and, at the end of that period, a slight movement was observed in the cloth which covered her. In two hours it was found that the

arm had contracted itself: she began to move, and it was clear that it had been only an apparent death. The eyes soon after were seen to open, sense returned, and the woman began gradually to recover.

30. VALUE OF LONDON PROPERTY.—GUILDHALL.—*The Corporation of London v. Messrs. Thomas and Charles Jones.*—On Saturday a jury was sworn in the Mayor's Court, to assess the amount of compensations which should be given to Messrs. Thomas and Charles Jones, extensive oil and colour merchants, for the injury done to their trade by their ejection from their extensive premises, Nos. 125, 126, 127, and 128, Upper Thames-street, which are to be taken down to make space for the intended approaches to the bridge. The claims put in from Messrs. Jones were as follow:—

For their leasehold interest in the premises (for a term of fifty years) at an annual rent of	
300 <i>l.</i> - - - -	£14,000
Fixtures - - - -	- 3,500
Loss on removal of stock - -	- 2,000
Goodwill of trade - - - -	- 24,900
	<hr/>
	£44,400

On the part of the Corporation, Mr. Montague, the clerk of the city's works, stated that, in his opinion, taking into consideration the whole advantages of the premises, 5,405*l.* 5*s.* was the utmost value of the leasehold interest. Mr. Smith, the surveyor to the Mercers' Company, valued it at 5,180*l.* 14*s.* 4*d.* Mr. J. W. Higgins, the surveyor who had been employed by the Katharine's dock company, and was well acquainted with the value of water-side property, valued the leasehold interest at 5,018*l.* 15*s.* 5*d.*, which he considered extremely liberal.

On the part of the claimants, Mr. Burrell was called, and he stated, that he considered the premises worth twenty years' purchase upon a compulsory sale. They might be let at 700*l.* per annum, but were worth more to Messrs. Jones. He valued the leasehold interest at 12,400*l.* Several eminent traders declared they would give from 800*l.* to 1,000*l.* per annum for such premises. The present stock was valued at 20,000*l.*, and the loss of removal was estimated at 15 per cent. The average profit, it was stated, should be 10 per cent on such a business. It varied from 5 to 20 per cent. The average returns were stated by the claimants' clerk to be 207,209*l.* 15*s.* 10*d.* The average gross profits were 15,540*l.* The business of the claimants had greatly improved, since their removal from near the Southwark-bridge.

The jury retired for about one hour, when they returned a verdict, awarding as compensation for

	£.	s.	d.
The lease - - -	7,300	0	0
Fixtures - - -	761	19	6
Loss on removal of stock and interruption of trade -	6,000	0	0
Total -	14,061	19	6
£30,338 less than the sum claimed.			

JUNE.

8. SIMONY.—HOUSE OF LORDS. —*For. v. the Bishop of Chester.*—

This was a writ of error brought by the plaintiff from a judgment of the Court of King's Bench, affirming a judgment of the Court of Great Sessions at Chester, on a special verdict in a *quare impedit*, commenced in the latter court in 1821. The case was argued in the Court of King's Bench, in Hilary Term 1824, where judgment was

pronounced in favour of the defendant; from which an appeal was brought to the House of Lords, who directed a special case to be made out for the consideration of the Judges of the Court of Common Pleas and Exchequer. It was accordingly argued before them in this session, and they attended this day to deliver their opinions, in which they all agreed.

Chief Justice Best, in pronouncing their judgment, observed that this was originally a *quare impedit*, brought by the plaintiff, for having been prevented by the defendant from presenting a fit person to the rectory of the church of Wilmslow, being vacant. The plaintiff had purchased of Thomas Trafford the manor of Bollyn, in the county of Chester, in 1819, to which manor the advowson of the aforesaid rectory was appurtenant, a Mr. Bradshaw being then the incumbent, and in a very dangerous state of health. Mr. Bradshaw died a few hours after the indenture had been completed, and the plaintiff, conceiving he had a right to the presentation, nominated a Mr. Uppleby, whom the defendant refused to institute, alleging, as his reason, that the agreement whereby the plaintiff claimed the patronage was corrupt and simoniacal, it being well known to the parties that the incumbent was then afflicted with a mortal disease. These being the facts of the case, the question was, whether the sale of a next presentation, the incumbent being in *extremis*, within the knowledge of both contracting parties, but without the privity of, or a view to the nomination of a particular clerk alone, was, without other circumstances, void on the ground of simony? By the law of England the right of pre-



senting to a benefice was a property capable of being conveyed in fee, or for any number of years or turns while the church was full; but when it was empty, it was incapable of being conveyed. This principle was decided in the cases of "*Baker v. Rogers*," Cro. Eliz. 789; "*Stephens v. Wall*," Dyer, 282. The patron, therefore, of a living might be changed at any time, while the incumbent was in existence, and a new patron substituted—no law imposed any restrictions in this respect. The statute of 31 Eliz. c. 6., for the avoiding of simony and corruption in presentations in the church, applied only to presentations which the patron for the time being made. It was direct or indirect reward, not direct or indirect presentation, which it prohibited. It was found by the jury in this case, that the clerk presented had not been previously cognizant of the transaction: consequently his selection could not be influenced by money. If indeed Mr. Trafford had the right of presentation after the death of the incumbent, and he presented Mr. Uppleby in consequence of an agreement with the plaintiff, the case might then be within the 31st of Elizabeth; but the plaintiff himself was the patron at the time of the vacancy, and he presented the clerk without any communication with Mr. Trafford. There was only one case in favour of the decision of the Court of King's Bench, that was "*Winchcombe v. Hules*," 1 Brownlow and Golds, 164; that was a contract made between the clerk to be presented and the patron (the incumbent being then sick of a mortal disease), that, in consideration of a certain sum he should procure him to be presented to the church when

vacant, and to assure such presentation, he should grant the next avoidance to a friend of the clerk, with the intent that the clerk should be presented. The case was afterwards disputed, and it was found by a jury that it was a simoniacal contract. It was evidently a presentation for money. The case of "*Close v. Pomroy*" was nearly to the same effect; but in both these cases a jury found that the contract was simoniacal; whereas that did not occur in the present case, where there was no intention to present any particular clerk; the new patron was a free agent, and might present whom he pleased. If he selected any clerk without a reward, he was not within either the letter or spirit of the act. Upon referring to the decided cases, there was none in which it had been held that the grant of the next presentation, the incumbent being in *extremis*, was void. But in the case of "*Barrett v. Glubb*," 2 Black. 1052, it was decided that by the grant of an advowson when the incumbent was on his death-bed with the full knowledge of the contracting parties, the next presentation did pass and was not avoided on the ground of simony. This was a direct authority in favour of the plaintiff. His lordship having made some other observations, concluded by pronouncing the opinion of the eight judges in favour of the plaintiff.

The Lord Chancellor then put the question, that the judgment of the Court of King's Bench be reversed; which was agreed to.

The judgment was accordingly reversed.

5. EXPLOSION OF AN AMERICAN STEAM FRIGATE.—*New York*.—Last evening the steam frigate

Fulton, blew up at the Navy-yard, Brooklyn, in consequence of the explosion of the powder magazine. Ever since the war, she had been occupied as a receiving-ship, and was moored within 200 yards of the shore. The magazine was in the bow of the ship, and contained at the time of the explosion but three barrels of damaged powder. The explosion was not louder than that produced by the discharge of a single cannon; and many persons in the Navy-yard supposed the report to have proceeded from such a source, until they saw the immense column of smoke arising from the vessel. Others about the yard saw the masts rising into the air before the explosion, and immediately after the air was filled with fragments of the vessel. The vessel is a complete wreck; the bow being destroyed nearly to the water, and the whole of this immense vessel—whose sides were more than four feet thick, and all other parts of corresponding strength—is now lying an entire heap of ruins, burst asunder in all parts, and aground at the spot where she was moored. Although she was but 200 yards from the Navy-yard, and many vessels near her, not one of them received the least damage; nor was the bridge, which led from the shore to the *Fulton*, at all injured. The sentinel upon the bridge received no wound, and continued to perform his duty after the accident, as unconcerned as though nothing had happened. There were attached to the vessel by the roll of the ship, 143 persons; and, at the time of the explosion, there were supposed to have been on board the vessel about 60 persons. Of these, 25 were killed, and about as many injured in various degrees. At the time of the ex-

plosion the officers were dining in the ward-room, situated about midships. The whole company at the table were forced by the concussion against the ransom with such violence as to break their limbs, and otherwise cut and bruise them in a shocking manner. The accident was occasioned by the gunner going into the magazine to procure powder to fire the evening gun. He was charged by one of the officers, previously to his going below, to be careful, and soon after the explosion took place. He had just been appointed to that office, the old gunner having been discharged the day before.

4. AEROSTATION.—On Thursday, Mr. Green ascended in his balloon, from a yard on the upper Bristol road. Unusually greater crowds of persons collected in the neighbouring fields and on the surrounding hills, in consequence of the announcement that he would be accompanied in his flight by a lady and gentleman. It was found, however, that, from some cause or other, the balloon could not be filled sufficiently to carry Mr. Green's proposed companions, and he was obliged to ascend by himself. At five-and-twenty minutes to six o'clock the balloon rose in an easterly direction, but when it had ascended to a considerable height, it got into a different current of air, and was carried rapidly towards the south-east. It remained in sight about a quarter of an hour, when it became lost in the distance. Mr. Green supposed his elevation to be three miles, but had no barometer. Mr. Green experienced extreme difficulty in the management of the machine, from inability to get at the valve, in consequence of the twisting of the balloon, and he was compelled to cut holes in the silk

to effect his descent. In accomplishing his descent, the grappling rope broke, and he was dragged across two fields and a turnpike road, sustaining very considerable injury in his right knee and wrist, and a serious fracture of the thumb. He descended at a quarter past six, on Alderholl common, about two miles from Fordingbridge in Hants, and 14 from Salisbury, being a distance of full fifty miles, accomplished in little more than about 40 minutes.

5. **SUICIDE IN REVENGE.**—An elderly man, named Francis Coy, residing at Helpringham, and a pauper upon that parish, having some time ago conceived himself harshly treated by the parochial officers, neglected no opportunity of revenging himself on them for the imaginary insult. He refused to do any kind of work, declaring that he had always conquered the parish, and he always would. Finding his opposition useless, he conceived the eccentric notion, that, if suicide was committed in the church, that edifice must remain closed for a year and a day; and his rancour was so fierce, that he hesitated not to sacrifice his life to gratify his spleen. He publicly announced his intention of destroying himself, and selected a number of men to bear his coffin, and even paid a barber to shave him when dead. Rumours of his intention came to the ears of the proper authorities, and to prevent him from carrying his strange notions into execution, the clergyman of the parish ordered the gates of the church to be regularly locked up. But the resolution of the man was not impeded by this, for, on Friday night last (5th), he climbed over the gates, and deliberately hanged himself in the church porch, where he was found

the following morning quite dead. A coroner's inquest was held on the body, when it being proved that the deceased was quite sound in his intellects, the jury returned a verdict of *felo de se*, and his remains were interred between the hours of 9 and 12 the same night, according to the provisions of the recent act of Parliament.—*Lincoln Herald*.

9. **EXPLOSION OF A POWDER MILL.**—On the morning of Wednesday, between ten and eleven o'clock, the corning-house of the powder-mill on Hounslow-beath, blew up, and two of the workmen Robert Barret, aged 37, and Henry Bird, aged 28, were killed.—So great was the shock, that the whole of the premises, which are situated above a thousand yards from the corning-house, were more or less injured. The elegant mansion of Lady Tollemache, at Hanworth, suffered considerably, the windows being completely demolished: at the moment of the explosion, her steward, who was leaning out of a window, was knocked backwards, the fragments of glass sticking in various parts of his body. The corning-house was blown to shivers; huge masses of brick-work, portions of large wheels and planks of timber, were lying in various directions, the trees surrounding the house were destroyed, many of them being blown into the damps in the vicinity. Barrett was discovered about fifty or sixty feet from the site of the corning-house across some water; both his legs were blown off; his death must have been instantaneous, for his head was crushed flat. Bird was found a short distance from him. His body was nearly severed just above the hips; both his thighs and legs were laid open to the bones, the

muscles protruding; every other bone in the body was broken.

9. NUISANCE.—*Middlesex Sessions.—The King against Rogers and another.*—Mr. Adolphus stated the facts to the jury. The defendants occupied a shop in a narrow court or passage called St. Martin's-court, which, although it was only five feet six inches wide, formed an important thoroughfare from Leicester-fields, Castle-street, and that neighbourhood, into St. Martin's-lane. This shop had formerly been occupied by one of the defendants, as a pamphlet shop, and was conducted in a perfectly unobjectionable manner, until about four months ago, when the other defendant, became a partner in the business, and commenced selling caricatures. These caricatures were exhibited in the window, where they soon became so attractive as to collect a large mob outside the window, in consequence of which the court was blocked up to such a degree that no person could go by, except at the risk of having their clothes torn off their backs in trying to squeeze through the crowd, or their pockets picked by the thieves who are always to be found wherever a mob is congregated. The effect of this was most injurious to the other tradesmen of the neighbourhood. A jeweller, who lived opposite this shop, had his shop-windows broken, and frequent attempts made to rob him. Numbers of people went another way altogether, rather than try to force their way through the crowd; and, in short, the greatest public inconvenience was produced by this sort of nuisance, which the defendants, upon being remonstrated with, would only remove upon condition of receiving 150*l.* for the lease and what they called the good-will of their business.

The learned counsel then called three witnesses, who fully supported his statement of the facts. The first was a jeweller, living directly opposite the defendant's shop, who described the annoyance produced by the crowd as very great in many respects. He admitted, however, in cross-examination, that he exhibited his own jewellery and trinkets in show-cases in his own window, and that his object in so doing was to attract attention to them with a view to procure purchasers.—The second witness was a tobacconist living in the same court, who admitted that he himself exhibited painted snuff-boxes in his shop-window, and that he allowed those customers who purchased cigars in his shop to light them there, that they might go along the streets smoking and puffing their tobacco-smoke into the faces of every person they met.—The third was an apothecary, who said that his business was not much injured by the nuisance, because those who wanted medicines must go for them; and therefore his customers came round to him by the other court.

The learned Chairman, in summing up the case to the Jury, expressed it as his opinion, and one which he had formed after having discussed and considered the question much for forty years, that this was, in point of law, a nuisance for which the defendants were liable to be indicted; but the Jury, without hesitation, returned a verdict of —*Not Guilty.*

11. CURIOUS CASE. — OLD BAILEY. — Alexander Finlayson, aged 23, was indicted for stealing in the dwelling-house of Sir William Beechey, to whom he was a servant, a silver tea-pot, and various other articles, value 100*l.*, his property.

Ann Memory examined.—I am

cook to sir Wm. Beechey. The prisoner was a fellow-servant. On April 17, he asked me if I had washed the plate; I told him, some of it, which I gave to him. He asked me if that was all? I shortly afterwards heard the prisoner go out at the front-door; I went down to the pantry, which appeared in confusion, the drawers and cupboards being wide open, and the plated articles thrown about the floor. The silver ones were gone. I perceived that the prisoner's box had also been broken. I went directly to the street-door, and found it open. I then called another servant, and we communicated the robbery to lady Beechey, who sent for an officer.—Mary Nunn, another servant of the prosecutor's corroborated the evidence of the last witness. The prisoner was absent more than an hour: when he returned, he appeared rather confused, but not particularly so, until taken into custody. I think all the articles stolen were silver, except two butter-ladles.—Frederick Wm. Beechey, esq., examined.—I am a captain in the navy, and son of the prosecutor. On the evening of the 17th of April, about half past nine o'clock, I was sent for to my father's house, in Harley-street; my brother-in-law, Mr. Jackson, was also there; we went into the pantry, which we found in a very disordered state. There was an inventory kept of the silver and plated articles. The silver ones were gone, and the plated left; it must have taken a great deal of trouble to have separated them, and a considerable length of time. In the prisoner's box I found a penknife and two or three books. When the officer spoke to the prisoner, he appeared very much confused; he was taken down to the

pantry, and asked several questions; he said, looking towards his box, that his clothes and five sovereigns which he had were gone. The prisoner at this time was about ten feet from the box, which he had not examined, and therefore could not have known that his money was stolen. The prisoner then looked into a tray, and took up a plated fork, and without further examination, said "The plate is all gone." When he said the money was gone, some one asked him how he could know that without examining his box. To this he made no reply. Mr. Jackson showed him a penknife, and asked him how it came on the landing place near the door? The prisoner said "you did not find it there, you took it out of my box." The prisoner said, he shut the street-door after him, and tried if it was fast. It would have been impossible for any one to have got in at the windows. It was true that Mr. Jackson found the penknife in the prisoner's box. The prisoner in reply to all questions strongly protested his innocence. All possible means had been used to discover the plate, but without success.—Benjamin Scholefield, an officer of Mary-le-bone police-office, deposed to taking the prisoner into custody. He appeared very much agitated, and asked what was the matter. Witness told him, the plate had been stolen, and he was suspected of having done it. In answer to further questions, the prisoner said, he had been out on a message for lady Beechey, that he had left the plate safe, and the cupboard door locked. Witness examined the cupboard, but could not discover any marks, as if it had been opened by force. Cross-examined.—The prisoner said he had no relations, but witness had since found

out that he had very respectable relations, and understood he had always borne an excellent character.

The prisoner on being called on for his defence, put in a long written paper, in which he declared his innocence.

Several witnesses gave him an excellent character, and the jury, after consulting for some time, returned a verdict of *Not Guilty*.

Within a couple of hours after his acquittal, Finlayson presented himself at sir W. Beechey's house, accompanied by a relation, and there delivered up to lady Beechey the whole of the plate that had been carried off, and for the stealing of which he had only a few hours before placed his life in such imminent hazard. On comparing the restored plate with the inventory of what was missing, not a single article was found to be deficient, nor had any part suffered the slightest injury.

Having thus made a practical admission of his guilt, he no longer hesitated about describing the mode in which he had effected the robbery. Being aware (he said) that he was to be sent out on the evening of the robbery on an errand, to deliver some letters, he previously packed up all the plate in his own wearing apparel, and left the bundle in the pantry, ready to be carried off at a moment's notice. When the letters were given to him to deliver, he put on his hat, in the presence of the other servants, in the kitchen, and departed; and when he got to the hall-door, he opened it, and suddenly slammed it to again, as if he had gone out, but instead of doing so, he remained inside; and gently opening the door a second time, he left it ajar, while he descended without making the slightest noise, to the pantry, and

taking with him the bundle which he had already prepared, he walked softly again to the door, and departed unperceived, leaving the door open after him, and having disarranged the pantry as much as he could, to give it the appearance of having been visited by thieves. Having thus got clear of the house, he hastened directly to the nearest coach-office, and there booked the bundle, which had the external appearance of a heap of clothes only, as a parcel "to be kept until called for;" and having thus disposed of it, he hastened away with all possible expedition to deliver his letters, that he might be able to account for his time; and the plate, he said, remained ever since at the booking-office, until he called for it that day to return it. He declared that he was not instigated to the robbery by any desire to possess the plate, or to convert it to his own use, but solely by a feeling of vexation at a slight or suspicion cast upon him, by lady Beechey's having some days before deprived him of the care of the key of the pantry, to the custody of which he felt that he had a right as butler of the house, and he was anxious to show that the consequences of depriving him of it was, that there was no safety for any thing in the place after. He admitted the truth of all the evidence given against him at the trial. The street-door, he said, certainly did creak, as sworn to by one of the other servants, and that was when he opened it softly the second time, after he had first slammed it to aloud.

13. THEATRICAL ENGAGEMENTS. — COURT OF COMMON PLEAS.—*Kemble v. Farren*. This was an action brought by Mr. Charles Kemble, as managing proprietor of Covent-garden Theatre,

against Mr. William Farren, the comedian, to recover damages for a breach of an agreement entered into in September, 1827, by the plaintiff, on behalf of himself and the other proprietors of Covent-garden Theatre on the one part, and the defendant on the other, whereby the latter engaged to become a principal comedian at that theatre for four seasons (except during such time as the Haymarket theatre should be open), at a salary of 3*l.* 6*s.* 8*d.* for each night on which he performed, together with a play and a farce for his benefit each season; and it was agreed between the parties, that, if a breach of the agreement was committed on either side, the party committing such breach should pay to the other a penalty of 1,000*l.* by way of liquidated damages: with a proviso, however, that, in the event of any change taking place in the control or management of the theatre, the defendant should be at liberty to annul the engagement upon leaving notice of such his intention at the theatre. The breach assigned was, that the defendant had refused to perform this season at Covent-garden, but had transferred his services to Drury-lane. The defendant pleaded the general issue.

The agreement was put in and read.

A letter from Mr. Kemble to Mr. Farren, dated October 1, 1828, and written in reply to a notice from the latter announcing his intention to annul the agreement on the ground of a change in the management, was put in and read. It stated that no change had taken place, and declared that Mr. Farren was not at liberty to annul his contract, and would be compelled to perform it by the adoption of legal measures on the part of the proprietors.

Mr. Robertson, the treasurer of Covent-garden, proved that Mr. Farren had performed at that theatre during the last, but not during the present season, and that he had performed during this season at Drury-lane. Several pieces, in which Mr. Farren had performed the principal parts, had not been represented at Covent-garden in consequence of his absence from that theatre. Covent-garden had not been so well attended during the present as during the last season; one of the causes of which was the absence of Mr. Farren. At Drury-lane several pieces, in which Mr. Farren performed, had been played during the present season, and had been very attractive there. There had been no change in the management between the last and present season. On cross-examination the witness stated, that he had been treasurer at Covent-garden since 1822. The theatrical season commenced on the 1st of October and continued until the following June. During the recess the manager had a great deal of important business to transact. He had to examine pieces and engage performers for the following season, and generally superintend the concern. There were no rehearsals during the recess, as the performers never could be got together. It was usual therefore to commence the season with some of the old stock pieces. In the recess preceding the present season the manager was not so much employed, in consequence of an expected change in the proprietorship. Messrs. Kemble, Willett, and Forbes, were the managing proprietors, and Mr. Fawcett acted under them as stage-manager. Mr. Kemble went to France last year. He did not tell witness, he meant to retire from the management of the theatre. [Here the witness proved

the copy of a document put into his hands, in which it was stated to be the wish of Messrs. Kemble, Willett, and Forbes to retire from the management of Covent-garden, and, confiding in the experience and integrity of Mr. Fawcett, to intrust to that gentleman the legislation of the theatre, he giving them notice from time to time of any increase of expenditure which might take place, and for this additional trouble he was to receive 200*l.* per annum]. The witness proceeded:—A clause, stating the intention of these gentlemen not to interfere, had been struck out by Mr. Kemble. He believed that the agreement ultimately entered into between the parties was made with a view to give Mr. Fawcett the stage-management. Witness had paid him 200*l.* additional salary, in consequence of his undertaking this part of the management. There might be other causes which led to the ill success of Covent-Garden during the present season, besides the absence of Mr. Farren. The general depression of the times might, certainly, have some effect upon it. Miss Smithson's engagement had not turned out so attractive as had been anticipated. Mr. Kean had given up his engagement, after performing a certain number of nights. Madame Vestris had been ill for a long time. Re-examined in chief.—Whatever other causes might have operated in producing a diminution of the receipts at Covent-garden during the present season, he was sure that the absence of Mr. Farren, and his performing at the other house, was a powerful one.

An admission was put in, from which it appeared that Mr. Farren now received 5*l.* a night at Drury-lane.

Mr. Morton, the dramatist, ex-

amined.—I hold an engagement at Covent-garden theatre: my duty is to read new plays—to advise upon them and on the cast of character, and upon the revival of old plays. My engagement began with the present season; my office is, I believe, new to Covent-garden theatre; I produced a piece at Covent-garden last year; the present season has not been so productive as the last; the *School for Scandal* has not been acted this season, in consequence of Mr. Farren's absence. The *Clandestine Marriage* has not been acted this season; Mr. Farren played in that comedy, and was very successful in it.

Mr. Blanchard stated, that he had been engaged at Covent-garden for twenty-nine seasons. The theatre had not been so well attended during the present as it had been in the last season. He ascribed the falling-off principally to the defection of Mr. Farren.

Mr. Campbell for the defendant, denied that the plaintiff was entitled to a verdict at all. The agreement was not absolute, but contained the following words of limitation:—"And, in case the said theatre of Covent-garden shall be underlet or assigned, or shall be subjected to any other management and control than the management and control under which it is conducted at the date hereof, the said William Farren shall have the power of annulling this agreement on leaving a notice of such his intention at the treasury of the theatre." Now, at the time this agreement was made, the theatre was under the management and control of Mr. Kemble, who was the friend of Mr. Farren, and between whom and himself there was no professional rivalry. Mr. Far-

ren, therefore, was willing to enter into an engagement with Mr. Kemble, but was determined to be subjected to the control of no other person. He continued at the theatre, while Mr. Kemble remained manager; but when Mr. Fawcett was this season appointed, for the first time, stage-manager, a change had taken place, which entitled Mr. Farren to put an end to his agreement. The jury had heard what was the line of character which Mr. Fawcett once filled, and which he had resigned on the engagement of Mr. Farren; taking the representation of the second class of old men, yielding the representation of the first class of old men to Mr. Farren. Between these gentlemen there was, therefore, a professional rivalry; and though Mr. Fawcett, besides being an excellent comedian, was, in private life, a most honourable and exemplary man, yet no one could doubt that his appointment to the management and control of the theatre entitled Mr. Farren to annul the contract, which he had stipulated should only continue while the management and control of the theatre remained unchanged. Mr. Fawcett had not only been appointed to "the legislation" of the theatre, but, he (Mr. Campbell) would prove, had actually begun to exercise the duties of his new office. But could there be any doubt of his having acted on his appointment, when he had actually received the 200*l.* additional salary for discharging its functions? He would produce in evidence letters from him to Mr. Planché and Mr. Peake, who were both authors of many successful pieces, and both of whom he requested to afford to the theatre the benefit of their talents, under his management, in the same manner as they

had previously been afforded to it under the management of Mr. Kemble. He would further prove the alteration in the management from a paragraph which appeared in *The Times* newspaper on the 2nd of September, 1828, the manuscript of which he should show had been sent from the theatre, and which was in these words,—
 "We are requested to state that Mr. Kemble has delegated the management of Covent-garden theatre in every respect to Mr. Fawcett." In addition to all this, he should prove it out of Mr. Kemble's own mouth, as well as from other sources.

Mr. Young was then called, and said, I am now engaged at Drury-lane theatre; I was formerly at Covent-garden; I was in Paris in the latter part of August last year; I saw Mr. Charles Kemble there, a few days after his arrival; I expressed my surprise at seeing my friend Kemble there, so near the time of the opening of the theatre, and said, I supposed business brought him; he disclaimed that; he remarked, and with strong feeling, "Really, Young, the continuance of the annoyances I suffered would have driven me distracted," or "to Bedlam," I don't know which: he added, "I have done with it, and God bless the man who gets it." Mr. J. R. Planché and Mr. Peake proved the receipt of the letters referred to by Mr. Campbell.

Mr. Vining stated, that he had been engaged by Mr. Kemble, who promised he should have an opening character. Instead of which the characters allotted to him were Tybalt and the Duke of Norfolk: upon which he waited on Mr. Kemble, who told him that he must apply to Mr. Fawcett. He

then begged of Mr. Kemble to use his influence with Mr. Fawcett to allow him to relinquish his engagement. He promised he would; and when he next called on Mr. Fawcett, the latter told him he might consider himself free. Witness was subsequently engaged at Drury-lane.—Mr. Turner, from the Stamp-office, produced the copy of *The Times* newspaper, which contained the paragraph referred to in Mr. Campbell's address.—Mr. Walton, reader and corrector of the press at *The Times* office, stated the manuscript, that from which the paragraph in question was printed, must have been destroyed, because manuscripts of that description were destroyed every six months, beyond which period, from their rapid accumulation, they could not be conveniently kept. He was unable to say, except from supposition, where the manuscript had come from. [The paper was therefore not read.] The notice of Mr. Farren terminating the agreement on the ground that the management had changed, was then read.

The lord chief justice summed up the case to the jury, and left it to them to say, whether there had been a change in the management and control of the theatre such as to justify the defendant's breach of the agreement, and intimated his own opinion that the paper which required Mr. Fawcett to give the proprietors, from time to time, an account of any increased expenditure, and the act of striking out from that paper the declaration that the management devolved on Mr. Fawcett, without any intention on the part of the proprietors to interfere, seemed to contradict the opinion entertained by the defendant. He could not so construe the agreement as to say that there should be no change in the subordinate

management without giving Mr. Farren the right to annul his agreement; for, in his opinion, Mr. Farren would have no such right, unless the superintending control and management of the theatre were abandoned altogether by the plaintiff and the other two proprietors. The jury, after a very few minutes deliberation, returned a verdict for the plaintiff—Damages 750*l*.

15. PEDESTRIANISM.—On Monday afternoon (the 15th), Thomas West, the celebrated pedestrian, undertook for a wager of five sovereigns, to walk six miles within the hour backwards. A half-mile piece of ground was measured from the Artillery Arms, Rochester-row, Vauxhall-road, to decide the match. The betting at starting was about five to three against the performance. West commenced his task about six o'clock, and accomplished his undertaking as follows:—

	min. sec.
1st Mile	9 0
2nd ditto	7 45
3rd ditto	8 45
4th ditto	9 15
5th ditto	9 0
6th ditto	12 0
	<hr/>
	55 45

West won his wager with ease, having four minutes and fifteen seconds to spare; he did not appear to be at all distressed, and it was evident he could have done the last mile in much less time.

CHICHESTER CATHEDRAL. — *Antiquities*:—In the course of the extensive repairs now going on in this edifice, two stone coffins were found, the lids of which, had the episcopal staff carved on them. Each of these coffins was of one entire stone. The one first opened presented the appearance of a body, which, at the time of its interment, had been decorated in episcopal

vestments, with a pastoral staff placed diagonally across it, over the right leg, with the crook across the left shoulder; on the left breast was placed a handsome-shaped chalice and patine of pewter. Under the right hand, which crossed the centre of the body, was found a gold ring, with a black stone, the size and shape of a barley-corn. In the second coffin, there was no appearance of a mitre or dress on the head, but the remains of a cowl were evident, which had been placed round the neck, and extended to the fourth rib: the inner dress, or shroud, was wound round the body many times, over which were the episcopal vestments, fringed across the knees and sides of the legs; under this fringed garment appeared a skirt reaching to the leather shoes, the heels of which were raised by means of wood enclosed in the leather; the right arm crossed the body on the hip in order to hold the pastoral staff, placed diagonally across the body, the ferule of which rested at the bottom corner of the coffin outside the right foot, continuing over the body, and terminating across the left shoulder with a handsome Gothic crook of hard black highly-polished bone, attached to the staff by a gold socket, highly ornamented with a bird and foliage. The silver chalice and patine on the left breast were in a perfect state, with great elegance of shape, and neatness of workmanship. The patine, which is six inches in diameter, has an inverted border within an inch of the outside, in the centre of which is engraven a hand giving the benediction, between a star and a crescent. Mr. King, to whom the deposit was intrusted, was present at the opening, and previously to any of the parts being

touched, made a drawing from the remains, in the position they have lain for centuries; after which, he searched for the episcopal ring, which was found under the right hand: it is a highly polished agate stone, transparent, in some places of a deep reddish colour, beautifully set in gold, and as strong as when first mounted. This handsome piece of workmanship consists of a matrix serving for the episcopal seal, engraved with a device resembling a peacock's head and neck, tufted on the top, and wattled and thrown over the head and shoulders of a grotesque figure, who holds a baton in the right hand, and a shield in the other; the feet are turned up on each side, and terminate with the head of a dog or fox instead of shoes. The length of each coffin is seven feet; of the pastoral staff, five feet eight inches; of the last-mentioned skeleton, five feet three inches; the body was four inches longer.—*Hampshire Telegraph*.

17. SURGICAL RESPONSIBILITY.—OLD BAILEY.—Edwin Martin Van Butchell, surgeon, was charged on the coroner's inquisition with the manslaughter of Mr. William Archer.

Emerson Archer deposed that he was a silk-manufacturer, and the deceased was his brother. On the 10th of May last, his brother said he was better than he had been for several months previously, though he had complained of internal pains a few days before. The deceased went out, and on his return, three hours after, he complained of great pain, and went to lie down on the sofa. In the course of the afternoon witness persuaded him to go to bed, as he was so extremely unwell. He gradually got worse, and about

five o'clock witness went for Mr. Lloyd. Witness's brother died on the 16th. Before his death he seemed conscious of what would happen, and said that he had received such an injury that he could not live.

Cross-examined by Mr. Brodrick.—Mr. Lloyd had attended the deceased about two months before, but he had not been ailing. His spirits had been bad, in consequence of the death of his wife: he complained that his inside was not in order. Had heard that his brother's wife had died of an internal disorder. Mr. Van Butchell was not at the inquest, and the verdict was returned in his absence. The prisoner was taken into custody on the same evening. He had asked to see the body of the deceased, but the request was not granted, and no person on the part of Mr. Van Butchell saw the body. The prisoner came at an unreasonable time to see the body.

His brother did not walk home, when he left Mr. Van Butchell's.

Eusebius Harper Lloyd.—Was a surgeon, and had attended the deceased on the Sunday in question. He found the deceased in great pain. The latter told him he had been seriously injured in the bowels, and said he was sure he should die. Witness's opinion on examining the deceased, and from the report of the operation, was that he could not recover. The deceased died six days after the Sunday in question. Examined the body on the evening of his death. Witness then described the state of the body, and said the general appearance of the covering of the viscera was that of recent inflammation. On endeavouring to examine the upper part of the rectum, he found that much

inflammation had gone on, and he could not therefore make the examination he desired. He found, however, that an injury had taken place, and that the appearances he saw had been occasioned by violence. He considered that the injury had been caused by a straight instrument about six inches long.

Cross-examined.—On pressing the abdomen when he first examined the deceased, he found that it was tender. This was not a symptom of peritoneal inflammation. For two days successively he thought it right to bleed the patient, and leeches were also applied. After his death witness found there had been an adhesion of the intestines to the upper part of the rectum. The length of the rectum was generally from seven to eight inches. In witness's opinion it would be improper, in a similar case, to use any unyielding straight bougie of six inches in length. He had paid particular attention to diseases of the rectum, but did not know how many cases he had in the course of one year. Did not suggest the propriety of sending for some medical man at the inquest. In many instances the coat of the rectum was very strong and thick. Inflammation, in its ordinary course, produces ulceration. Witness could not tell what the particular state of the deceased was before the Sunday in question. Operations would sometimes fail in spite of the skill of the operator. Had operated upon a woman named Kent, in St. Bartholomew's Hospital, and she died soon afterwards. She had been previously diseased. Mr. Smith, who examined the part with witness, was not a member of the College of Surgeons. Thought a person might walk a quarter of a mile with a

perforation of the rectum. The perforation was on the front side of the rectum, above the bladder.

Re-examined.—Considered that the death of the patient was caused by the injury done to the rectum.

Mr. Baron Hullock here stopped the case, and said that there did not appear to be any evidence to support a charge of manslaughter. It would be a dreadful state of things, if a man, who had performed an operation to the best of his skill and judgment, could be subjected to such a prosecution as this. He was fearful of letting it go forth to the world, that, when an operation was not attended with success, an operator was liable to a charge of manslaughter. The learned Judge then told the jury, that the indictment could not be sustained. There was no evidence to show with what instrument the operation had been performed, nor that the patient had actually died in consequence of it. He could also tell the jury, that there was no principle of law, which subjected an individual to this sort of inquiry, and it did not matter whether he was a regular practitioner or not. If there were, persons in remote parts of the country would not be able to get assistance, as many men would not venture upon an operation from the fear that they were not skilful enough. There had been no decision in any case, like the present, and this was the first time that such a charge had been brought before a court of justice. Though an action for damages might perhaps be sustained, yet, where no malice was apparent, a man could not be found guilty of felony.

The jury then returned a verdict—*Not Guilty.*

18. THUNDER STORM.—About half-past five o'clock in the afternoon of Thursday, Ongar and its vicinity were visited by a storm of thunder, accompanied by lightning, from the effects of which a wind-mill, situated at Toot-hill, in the parish of Stamford Rivers, was nearly destroyed, and the miller shockingly mutilated. A very heavy cloud was observed to descend over the mill, which stands upon an eminence, and at the same instant a hissing noise was succeeded by an explosion resembling the discharge of artillery. The miller was discovered lying upon a sack, his head most shockingly lacerated—his right leg hung over the ladder communicating with the first floor, and connected with his body by a small portion of flesh only—the bone protruding through the stocking. His right eye was so injured, that its powers of vision were supposed to be destroyed, and his right hand was mangled in a frightful manner. Upon further examination, large splinters of wood, and even grains of wheat from the hopper, were found driven into various parts of his body. The hair of his head was much singed. The most singular penetration of the fluid was observable in the partial destruction of a pad in the neckcloth which he wore at the time. His hairy cap was found lying by his side, torn into innumerable pieces, and the floor was covered with blood. The lightning, it would appear, first struck the middlings end, a term given to some iron braces which afford support to the sails, and proceeded in the track of a number of bolts, removing some and slightly touching others, until it reached the neck, when it took the parcels, and then commenced its

work of destruction in the interior of the mill by shivering a great part of the nearly new oaken shaft. The fluid continued its course in nearly the centre by the sack-chain, and, on reaching the second floor, came in contact with the beam and scales, forcing two half-hundred weights through the side of the mill. In its progress thus far, it completely cut off two of the sails, which it split into innumerable pieces, and hurled to a great distance. Some of these fragments were found sticking in the earth so firmly as to require great strength to effect their removal. The roof of the mill was struck off in a similar manner, and the sides were nearly stripped of their boarding. The ceiling of the mill was divided and thrown on either side upon the grass. The machinery was thus completely exposed to the view, enclosed in the skeleton building. The whole of the machinery was deranged, and the cloths, where nailed, were much burnt. The electric fluid, having affected nearly all the iron in the mill, forced its way out by tearing up part of the flooring, and cutting a piece of the sheer-tree away, thus escaping to the iron sheeting which covered the round-house. Part of this it raised, and concluded its course by passing down the back of the stairs, which were iron braced; and, forcing out a number of very strong iron-nutted screws, it finally disappeared in the earth, making a cavity to a considerable extent. Even a pen in the inkstand did not escape, being singed, as were also the brooms and brushes.—*Essex Herald.*

JULY,

STARVATION FROM COLD.—
Letters from Mr. Dawson, agent

to Lloyd's at the Magdalen Islands, in the Gulf of St. Lawrence, state the following particulars:—

About the middle of May a number of men belonging to the Magdalen Islands, who had associated themselves in a sailing voyage, were overtaken by a storm off the north-east end of Anticosti, and the ice, drifting, forced them to take shelter near one of the provision posts. In landing they observed a boat on shore, which was not much damaged. They proceeded to the house, and, on entering, were struck with horror at the sight of a number of dead bodies, and a quantity of bones and putrid flesh; upon further examination, they conceived that they could discern the bodies of twelve or thirteen individuals—two grown females, three children, and seven or eight men. The last survivor appeared to be a man, who had died of famine and cold in his hammock, and, from his appearance, was above the rank of a common sailor. The men took charge of the chest, clothes, and other articles in the house, and buried the remains of the bodies, and a large box of cleanly-picked bones, which lay in a corner of the room. On the fire there was a pot, in which flesh had been boiled, and a part remained in its bottom. They afterwards went to a small out-house, where they were surprised to find five more bodies, suspended by a rope thrown across some beams; the entrails had been removed, and little more than the skeletons remained, the flesh having, apparently, been cut off. These they left unburied, and sailed, taking the boat with them, for the Magdalen islands.

AMERICAN PARTY VIOLENCE.—
—The following case occupied
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the criminal court of Lexington, from Tuesday, the 30th of June, to Saturday, the 4th of July, both inclusive. No trial has ever excited more interest throughout the Union; and the more especially, as the verdict was evidently the result of party feelings, and manifested the utter indifference of the jury to the oath they had taken, "well and truly to try according to the evidence." Mr. Benning, the editor of the Kentucky Gazette, had been killed in the most atrocious manner in his own office, by a shot fired through his back. He, being a partisan of general Jackson, had published an article reflecting on the political conduct of Mr. Wickliffe, the father of his murderer: the son was a violent admirer of Mr. Clay, the candidate opposed to general Jackson. Mr. Clay being a native of Kentucky, and exceedingly popular, it was resolved by his powerful party, that the case should be deemed a mere political affray; and Mr. Clay himself, as a barrister, undertook the defence. The first proof of the influence exerted to defeat justice, was in finding the bill. The grand jury, returned a true bill for manslaughter only. Wickliffe's own apprehensions had caused him to abscond and secret himself; but finding his life safe, he surrendered for his trial.

The evidence for the prosecution was to the following effect:—Leonard Taylor stated, that he was requested by Mr. Benning to walk into his office, where witness found Mr. Wickliffe sitting on the stairs. He soon rose, and asked Mr. Benning, if he had seen that gentleman? Benning replied, that he had not, but would endeavour to do so by eight o'clock next morning. Prisoner replied that

he did not like to be put off. Benning said, it was against the rules of printers to give up the names of authors, without first consulting them or apprising them. Prisoner agreed to wait till morning. Benning remarked that when he got the name, it would probably be the last man he would want to find. Wickliffe replied, that, if he was a gentleman, he was the man he would be glad to see. Something was said about some publications, and, among other things, Benning remarked to prisoner, that it was no credit to him to write a piece in the papers, praising his own father. Wickliffe asked him, who said so? Benning replied, that he believed so himself. Wickliffe then called Benning a liar, and advanced upon him with his left hand raised, as if to collar Benning. As Wickliffe advanced, Benning raised a stick. Wickliffe caught it with his left hand, and, about the same time, drew his pistol with his right hand. Benning surrendered the stick, or it was wrested from him, and immediately dodged and retreated; about the time he reached the door leading to the back rooms, Wickliffe fired, and immediately drew another pistol, and told Benning to come on, he was ready for him; Wickliffe then turned to pass out of the office, and called to witness to stand out of his way or he would shoot; major Woolley (Wickliffe's brother-in-law) came in at the time, and Wickliffe, after he reached the street, again called to Benning to come on with his musket or whatever he had, as he was ready for him; witness then learned that Benning had been wounded.—In answer to questions by the Commonwealth's attorney, witness fur-

ther stated, that Benning endeavoured to escape as soon as he saw the pistol; Benning's back was to Wickliffe, when the latter shot; Benning was a very small man.

On Cross-examination witness stated that it was near sun-set when Benning was shot; Benning was not within arm's length, when Wickliffe first cursed him; is certain Wickliffe advanced towards Benning; just as Wickliffe approached, he cursed Benning, and Benning raised his stick; Wickliffe raised his left hand previous to Benning raising his stick, and drew his pistol about the same time; Wickliffe got hold of the stick with his left hand; whether he wrested it from Benning or whether the latter voluntarily released it, is unable to say; Wickliffe wheeled and fired as Benning was retreating; he is sure Benning did not *grab* or endeavour to collar Wickliffe as the latter approached; it was a small iron pocket pistol Wickliffe used, and thinks it was drawn from his bosom or waistcoat. When Wickliffe drew the second pistol, which was a large one, he called to Benning to come on with his musket, or any thing, for that he was his chicken. Benning was shot in a few minutes after witness entered his office.

John Brown, a printer in Mr. Benning's employment, confirmed the first witness. Benning was probably five or six feet from Wickliffe, when the latter fired at him.

Mr. Spiers, also a printer in the office, gave the same account of the beginning of the quarrel. Wickliffe raised his left hand, as if to collar Benning—the latter then raised his stick, when Wickliffe drew his pistol; Benning retreated, and Wickliffe pointed the pis-

tol at Benning, and said, "God — you, I'll kill you, by —," and immediately discharged his pistol; Benning was then running from him.

Other witnesses gave a similar account of the transaction.

Mr. Clay made an impressive speech for the prisoner, who was acquitted amidst the applause of nearly all the audience.

3. SHERIFFS' COURT, GUILD-HALL.—JEWISH JUROR.—*Minton v. Dixon*.—This was an action brought by the plaintiff for the recovery of the price given for a horse, which proved to be unsound: and the jury found for the defendant.

Mr. Bolland now moved, that the verdict be set aside, upon the ground, that John Salmon, one of the jury, was sworn upon the New Testament, although he was of the Jewish religion. The learned counsel said, that Salmon stood up in the box with the other jurymen, who were all Christians, and without putting on his hat, or observing any of the ceremonies observed by people of the Jewish religion in the taking of oaths, kissed the New Testament. This mode of swearing was, the learned counsel said, of no efficacy. It was not binding upon a Jew to the value of a straw, and the verdict in the case ought to be set aside, having been in reality the verdict of eleven instead of twelve jurymen. The learned counsel was prepared with affidavits to prove that John Salmon was a Jew at the time he took the Christian's oath in the jury-box; that he had taken the oath in the manner described; and that he was now, to all intents and purposes, a Jew.

Mr. Mirehouse submitted, upon the part of the defendant, that the verdict ought not to be dis-

turbed. The affidavits did not go far enough. They by no means proved that Salmon was, at the time he sat on the jury, a Jew. Why had not the clerk of the court made affidavit that he had sworn Salmon on the New Testament? Why had not the affidavit of Salmon himself been produced, that, at the time he was upon the jury, he was a Jew?

How do we know whether the Old and New Testament were not bound together, and kissed in that form by Salmon?

Mr. Sergeant Arabin, said the affidavits were not strong enough to sanction the disturbance of the verdict.

The application was refused.

WATERSPOUT.—This evening a Waterspout burst at Aber, a village a few miles from Tyn-y-maes, N. Wales. About ten o'clock, the inhabitants of the village were thrown into a state of alarm in consequence of the water in the river rising very rapidly. The large stones in the bed of the river were carried along by the force of the water, with such impetuosity, as to dash against each other, and to keep up an incessant roaring. Several houses were inundated, and at Glany-mor the inmates continued sleeping, until the water had gained the height of two feet, when they were awoken by some person from the village. For about two hours, during the greatest fury of the torrent, the inhabitants were afraid to cross the bridge of the river, from the foundation of which two large stones were washed away. A small wooden bridge, called Bont Nant, which crosses the river about a quarter of a mile from the village, and which on one side was fixed on a rock of about 15 tons

weight, was hurled into the water and carried off; the rock was swept away at the same time, and is no where visible. On the arrival of the mail from London in the neighbourhood, about ten at night, the highway was found completely impassable, and the coach was delayed until half-past two in the morning, when the Holyhead mail arrived at the other extremity of the broken ground, where it was delayed in like manner. The course of the rivers towards the Conway presented similar scenes of devastation. The village of Roe Wer, about three miles from Conway, has materially suffered. The high road from the village of Bwlch-y-ddaufaen is totally impassable, and it is doubtful whether it can ever be restored in the same line.

5. LOSS OF AN INDIAMAN.—On Sunday, the 5th, the Carnbreu East-Indiaman, having embarked her passengers, got under weigh from Spithead, and proceeded on her voyage to the Cape and Calcutta. The pilot left her at the back of the Wight, about four o'clock in the afternoon; after which, the wind freshening from the west about six, she embayed near the Chine, no considerable distance from the Needles. In attempting to go about, she missed stays, and backed upon a rock, over which she was instantly hove by a heavy sea, and grounded upon a pretty fair bottom, and filled with water. The only boat that could get to her was one from the preventive station, at Freshwater-gate, which succeeded in landing some of the female passengers that evening, but could not get to the ship again till the next morning, when, with the assistance of other boats, all the passengers were safely landed.

9. LONDON UNIVERSITY.—The first session of the London University having terminated, a distribution of prizes among the pupils of the general classes—those of Mathematics, English Literature, Greek, Latin, Natural Philosophy, and English Law—took place in one of the large lecture rooms of the Institution. The room, which is capable of containing from 800 to 1,000 persons, was crowded with students and their friends, who took a lively interest in the proceedings. In the centre of the apartment seats were reserved for the Professors, Members of the Council, and the distinguished visitors who honoured the ceremony with their presence. Among those present were earl Grey, who was called to the chair, lord Auckland, colonel L. Stanhope, Dr. Birkbeck, Mr. Brougham, Mr. Hume, Mr. Otway Cave, &c. The prizes consisted of handsomely bound copies of various ancient and modern classics. In the second Latin and Greek classes, the second prize was adjudged to a young gentleman who was called the earl of Leicester.

ORDER OF LIBERATORS.—This Association, whose costume of green Mr. O'Connell assumed during his late contest, had its origin in the success of the Catholics at the election for the county of Waterford in 1825. Lord George Beresford, brother to the then marquess of Waterford, was opposed by Mr. Villiers Stuart, a young man just come of age, grandson of the marquess of Bute, and also of the late earl of Grandison, whose only daughter and sole heiress was Mr. C. Stuart's mother, from whom he inherits considerable estates in the county of Waterford; but his only chance of succeeding in opposition to the Beresford interest, depended

entirely on the support of the Catholic electors, given in opposition to their Protestant landlords. The experiment was tried, and after a struggle of ten days' continuance, lord G. Beresford was compelled to retire. The chief actors in emancipating the county from what was called the "Beresford bondage," were hailed by the title of "Liberators," and Mr. O'Connell taking advantage of the feeling, proposed to form an "order of Liberators," to be distinguished by a medal and ribbon; the qualification for which was to be, having rendered some service towards the liberation of Ireland. The Catholic Association approved of the suggestion, and the order of "Liberators" are now spread all over Ireland.—On a former occasion, this order held a chapter at the Association rooms, Dublin, when it was resolved that 4,000 medals of the order should be struck off and sent to the 40s. freeholders of Clare. The liberators were most active in the present month in procuring O'Connell's re-election for Clare: and their principles may be inferred from the statement, which the agitator, upon his re-election, gave of the maxims by which his conduct in parliament should be regulated. With the creed or doctrines of the established church, he said, he never should interfere: as to the temporalities of the church the case was different; and one of the first measures he should propose in parliament would be to equalise the salaries and emoluments of the clergy. The next point would be to revise the laws relating to the landed possessions of the Irish clergy; which, if properly administered, were sufficient to maintain the establishment without burdening the people with tithes. "And I think (said

Mr. O'Connell) the time is come when tithes ought to be wholly abolished in Ireland."

THE LAST WILL OF NAPOLEON.—It appears from the *Courier des Tribunaux*, that several parties claiming different sums under the will of Napoleon have instituted processes in the French courts, for the recovery of their respective legacies. Messrs. Lafitte, who are the depositaries of 5,000,000 of francs left by the ex-emperor in 1815, and the executors, Bertrand and Montholon, offer no objection, but are ready to pay, when authorized by the proper legal forms; and the late king, Louis XVIII., renounced any claim which he might have as sovereign to the personal effects of Napoleon. Amongst other claimants under the will was Madame Dugumier, a widow, who claimed, in right of her deceased husband, as the representative of his father, General Dugumier, to whom Napoleon bequeathed 100,000 francs. She presented a copy of the will, proved in England; but, without touching the merits of the claim, it was rejected for want of the forms prescribed by the law of France. She then endeavoured to serve a process on the young duke de Reichstadt, Napoleon's son, in the persons of his natural guardians—his mother, the duchess of Parma, and his grandfather, the emperor of Austria; but this was not permitted, as neither were subjects of France, nor within the jurisdiction of the French courts. She at length sought for the appointment of a trustee to the property, whom she might legally sue. This was refused by the court of *Premier Instance*; but the judgment of that court has been recently set aside by the *Cour Royale*, which has directed

the trustee to administer to the vacant succession, as to the personal property, according to the forms of law which would be allowed in any ordinary case.

INNER TEMPLE REGULATIONS.—The following is the substance of the resolutions relating to the admission of persons into the society of the Inner Temple, which came into operation on July 10th, 1829:

"Resolved, that it is expedient to exclude, as far as may be possible, from admission to the bar, persons whose education and previous habits of life do not afford sufficient testimony of the integrity and learning which are essential to the dignity of a liberal profession, and the best titles to the respect and confidence of the public.

"Second, that with a view to effect this desirable object, no person be hereafter admitted a student of this society, without a previous examination by one barrister of the society, to be named for that purpose by the masters of the bench; and a certificate, to be signed by the examiner, of the competency of the candidate for admission in classical attainments and the general subjects of a liberal education."

There is no order which requires a pecuniary qualification.

ROBBERY OF PRINCE METTERNICH.—Prince Metternich had formed, in his castle of Koenigswart, in Bohemia, a cabinet of the most rare medals. There were some of gold, and some of silver, of very large dimensions, and valued at 12,000 florins at least. The rooms, where this collection is kept, are vaulted; the windows have iron bars and strong shutters before them; the doors are provided with strong iron bands in the inside, and a strong iron gate prevented access to the interior. In

spite of all these precautions, a complete robbery was effected, and all the pursuits of the magistrates were long ineffectual. During the feast of the jubilee of St. Nepomucene, at Prague, on Monday afternoon, the day of the Fête Dieu, a stage-coach arrived in the town from the country, and stopped, by the desire of one of the persons in it, at an inn in the suburbs, where this traveller alighted. Among those persons who remained in the carriage was a captain, who had remarked the uneasiness betrayed by their late companion, and the particular care which he took of a packet he had with him. The captain, carried away by this sort of sentiment, thought it his duty, on arriving in the town, to inform the police of the circumstance. Some of its agents were immediately sent to the inn, where the suspected individual had got down, but he had already gone away. As soon as the stage-coach had left, he had got a hackney-coach to carry him, as he said, to the theatre. An inspector of these coaches was sent for, and there was no difficulty in finding out the coach which had carried the stranger, not to the theatre, as he said, in the suburbs, but to the Black Horse, the best inn at Prague. There, notwithstanding the multitude of strangers, the police were not long in discovering him; and one of its agents was set to watch him. Nothing happened that evening. On the following day he was again closely watched; and he, not suspecting anything, went to the market of the Jews, where, with an air altogether undisturbed, and without making any mystery of his proceeding, he offered to sell some medals to a Jew, which he took from his pocket, and showed him.

At the moment the bargain was to be concluded, the officer made his appearance, and fixing his eye firmly on the seller, asked, if he did not know him. The seller was disconcerted, and lost all his presence of mind, when the officer added, that he was the person to whom the medal-seller had already offered to sell medals stolen at Königswart. The thief or the accomplice was arrested; his chamber was searched, and a great quantity of the medals found.

STORMS IN FRANCE.—Hurricanes and continual rains have, since the first fortnight of the present month, ravaged a great part of France. Such was the violence of these hurricanes at Beziers, that at some distance from the town, walls of two feet and a half in thickness were overthrown, though they were fastened together by beams strengthened with iron. The same phenomenon has produced disastrous effects also, at Lyons, Geneva, and the Chaux de Fonds, in the streights of the Jura. The night of the 8th and 9th of July was disastrous for the greater part of Switzerland, and the wind was the most violent ever known in that country. Letters from Limoges say, that the 8th of July was a day fatal to the agriculture of that department. Towards the twilight, a cloud of hail, blown by an impetuous wind, and mixed with torrents of rain, ravaged fifteen *communes*. The grass, ready to be mowed, was buried under the soil; the corn and hemp cut down to the ground, the trees stripped of their branches, the roofs of houses beaten down, and the windows broken. The hailstones were of an uncommon size; some persons, who could not find shelter, were wounded by them, and animals left in the

open fields perished under their blows.

Another violent storm took place on the night of the 15th and 16th of July, in the departments of the Aube and the Meuse, and the other departments in the vicinity of Belgium. At Bar-sur-Aube, for some hours, a continual thunder was heard; the horizon was on fire and a torrent of rain, mixed with hail, was falling. The neighbouring communes suffered severely from this storm; the vines in five or six of them were torn to pieces by the hail, the hemp destroyed, the corn scattered. The commune of Viviers, situated in a very narrow valley, was almost desolated by the torrents that rolled down from the neighbouring hills. One house was washed away by the waters, and fell on an unfortunate woman, whose dread of the thunder had kept her at home. At Erry more than three leagues of land were rendered waste, and present now only the dreary appearance of desolation. The river Armance, which overflowed the plain, swept away all the hay which had been cut the evening before. The storm spread itself towards Sens, where it caused great havock.

On the same night, the storm burst on the town of Bar-sur-Seine and its neighbourhood. From half-past nine till half-past twelve at midnight, the heavens were apparently on fire, and presented an extraordinary spectacle; flashes of lightning furrowed the atmosphere without intermission, and claps of thunder roared without ceasing. The hail that fell did little harm, but, in some *communes*, the hemp was cut away, and the corn suffered. The wind was very powerful; enormous walnut trees were torn up by the roots.

At two o'clock in the morning, the storm recommenced; torrents of rain descended, and the plain from St. Dezier to Chanceny was covered with water. It is reported that the storm was more violent still on the side of Trois Fontaines. It visited the village of Neuveglise, in Belgium, on the 14th, between five and six o'clock in the evening. All the crops were spoiled by the hailstones, many of which weighed three ounces; a considerable number of windows were broken; roofs and entire buildings were carried away by the force of the wind, and it is reckoned, that three hundred trees were rooted up in this single commune.

DISTURBANCES IN FERMANAGH.—On Sunday, the 12th, numerous bodies of men, armed with pikes, pitchforks, and, in many instances, with muskets, were seen crossing the country, in all directions, from the counties of Leitrim, Longford, and Cavan. One party, having entered Swanlinbar with music, during divine service, piled up great heaps of stones near the bridge, and seemed disposed to attack the congregation in the church. Having met with neither opposition nor provocation, they marched from thence in the direction of Derrylin, where, on Monday morning a number of them met, about three thousand strong. At Derrylin, they took up a position on a hill called Molly Mountain, flanked on one side by an extensive bog, and, on the other and in the rear, by rocks and mountain fastnesses into which they could retreat, and even thence from hill to hill, if attacked by a superior force. Tidings having reached lord Enniskillen of this vast assemblage of armed men, his lordship repaired to the spot, accompanied by captain Williams, and

two priests, when his lordship addressed them, and begged to know, what was their design in assembling in so formidable a manner. They told him, that it was to prevent the Orangemen from *walking*. His lordship assured them, they had no intention of walking, and if they had, he would prevent it. They seemed to know perfectly where each Orange lodge held its meeting. "There," said one fellow, "there is an Orange lodge sitting in that house," pointing to a house but a short distance off—"and there," said another, "are the Orange flags coming up the road; let us be at them." One fellow, who had a scythe on a pole, in a menacing posture, said, "sure he is the head of them (meaning lord E.), we ought to cut him down," and would himself most likely have done so, but was prevented by another, who used his pitchfork, and with some violence, to prevent it. During this time, two shots were fired in the rear, by some of their own party; and a report spread amongst them that a Roman Catholic was killed near Ballinamore, on which they raised a horrid yell, and a great number of them rushed down the hill. With much difficulty they were prevailed upon to disperse, but it was in large bodies of several hundred each, which took different directions. One of these, preceded by two fifes, marched in regular order through Swanlinbar, and the police, being few in number, dared not interfere. Another detachment of between five and six hundred, marched towards Macken. Macken is an inconsiderable place, with but five or six houses, about six miles distant from Enniskillen, and situated on a rising ground, half way between the Arny and Stragowna rivers. There the detachment

halted, formed in a field on the side of the road, and commenced drinking whiskey. There is a district around Belnaleck church, called Ballimanoan, inhabited chiefly by Protestants, who observe the anniversary of the battle of the Boyne, by dining in parties at farmers' houses: but, the anniversary falling on Sunday this year, it was thought prudent and decorous to postpone the customary entertainments until Monday. One of those parties had assembled, and were dining in the house of a respectable farmer, Edward Scarlett; and, having heard there were a number of Papists assembled some miles off, they determined not to stir out, and to shun every appearance of provocation. Being informed that all towards Macken was peaceable and quiet, three young men, two of the name of Thompson, and one of the name of Crawford, who were dining at Scarlett's, determined to go home; and as their way was through Macken, lest any of the straggling Roman Catholics, who had been drinking there, might annoy them, some of their friends came to the resolution to accompany them as far as Macken. Accordingly they set out, accompanied by a few more, who joined them at Dromaine-bridge—in all about fifty, and having six old muskets with a little ammunition. On ascending the hill at Macken, they perceived a large body of armed men in a field, a little off the road, and others behind the ditches on each side. The Protestant party, perceiving the predicament in which they were placed, commenced a retreat, on which a volley of stones were thrown at them. The Protestants, to show they were armed, fired a shot in the air, but to no purpose; the Papists continued

throwing stones, and a body rushed to the foot of the hill to cut off their retreat, on which a few of the men, who were unarmed, began to expostulate and sue for peace, but all to no effect; the great body closed on those defenceless individuals, and in a short time left them for dead on the spot. The remainder being badly armed, and not well supplied with ammunition, kept up an ineffectual fire, while those who were unarmed were horribly mangled by the inhuman savages. Out of the small number opposed to such a multitude, four were killed, and eight or nine wounded. Five of the wounded had in all sixty-five wounds! It is remarkable, that, although lord Enniskillen lives within a few miles of the place where the rebels took up their first position, he knew none of their faces except two or three. The insurgents had camps or rallying posts, with reserve corps on a range of mountains which extended a considerable distance in their rear. They were known to each other by each man having a handkerchief tied round his waist, and the signals from one camp to the other were communicated by men putting on white shirts.

15. ENGLISH OPERA HOUSE.—A new opera, composed by Ferdinand Ries, entitled the Robber's Bride, being a free translation of a German drama, denominated *Die Rauberbraut*, was produced. The story of the new piece runs thus:—The monarch of one of the Italian states is kept in subjection by a faction, who suffer him to retain the throne, and to exercise a nominal authority, while, in reality, they wield all the power of the government. The count of Viterbo, who is firmly attached to his sovereign, retires from court in

disgust, and carries on a correspondence with some of his friends, in which he freely censures the conduct of the party in power. His courier, Pietro betrays him, and the count is in consequence denounced. Escape from his enemies seems almost impossible, when Roberto, the captain of a band of robbers, appears on the scene, and declares to Laura the daughter of the count that he will effect her father's deliverance, provided she solemnly promises to become his bride. Roberto had, some years before, when residing in the count's castle, aspired to the affections of Laura; his presumption was rewarded by instant expulsion from the service of the count, but his passion remained as violent as ever. He now describes all the misery which he had undergone, since, driven to despair, he had become a leader of banditti. He impresses on the mind of Laura the certainty of her father's arrest unless assisted by him, and he finally induces her to give the required pledge, in order to save the life of her parent. By means of a secret passage, Roberto conducts the count to the cavern in which the banditti conceal themselves; and the troops, headed by Fernando, immediately after enter the castle in search of their victim. Here Fernando recognises in Laura a young lady whose life he had preserved some years before at Palermo, and whom, though he then became passionately enamoured of her, he had never since seen. He now avows his passion for her; but her vow to become the robber's bride presents a fatal obstacle to his hopes. Roberto discovers that Laura's aversion to him arises from a pre-conceived love for the young soldier, and he orders his band to capture Fernando, which they readi-

ly accomplish. He is dragged to the cavern, but Roberto, moved by the tears of Laura, instead of wreaking vengeance on his rival, after a struggle between fury and affection, joins their hands. Fernando's troops having tracked the robbers in their hiding place, now appear, and capture the band as well as the count. All give themselves up for lost, when Carlo, the friend of Fernando, arrives with the grateful tidings, that the faction has been overturned, that the prince is free, and that, as his first act of justice, he has sent a pardon to the count, and commuted the punishment of the banditti from death to banishment.

18. ADMIRALTY COURT.—IN THE MATTER OF A SLAVE NAMED FANNY FORD.—This was an appeal from the Vice-Admiralty Court of St. Kitt's. The slave in question was the property of Mr. Ford, of St. Kitt's, and, being a wild unmanageable child, he had been in the habit of sending her backwards and forwards to the Dutch colony of Saba, for education there. She was brought back for the last time in 1818 or 1820. Mr. Ford died, and the slave became the property of another. In 1827, an information was laid by a waiter of the Customs at St. Kitt's on the ground that the conveyance of this slave was an exportation, in violation, of the act 5 Geo. IV. c. 18, sect. 47. The judge of the Vice-Admiralty Court held the same opinion, and pronounced the slave forfeited. No appearance was given for the respondent in this court, his majesty's advocate declining to sustain the judgment.

Sir C. Robinson thought the act of the owner in this case had been innocent, and ought to be regarded with tenderness, especially as the

slave had been permitted by the local government to go backwards and forwards repeatedly without objection. The libel alleged that this was a case of exportation; but the case proved was the reimportation of the slave. The length of time between the offence and the bringing the information, was, moreover, fatal to the case. It should be within five years, whereas seven had elapsed. The sentence of the court below must be reversed. He should order the costs given in that court to be repaid; but gave no costs in this court.

28. COURT OF CHANCERY.—NEW KING'S COUNSEL.—At the sitting of the court this morning Messrs. Tinney, Pemberton, and Knight, of the Chancery bar, and the hon. Charles Law, brother of lord Ellenborough, of the common-law bar, appeared in their silk gowns, having been appointed King's Counsel. The Lord Chancellor addressed them in the usual manner, and invited them to take their seats within the bar.

NEW LIFE BOATS.—Some experiments have been lately made on the river, off Somerset-house, under the superintendence of the Royal Society for the preservation of lives from shipwreck, of several life-boats constructed under the direction of Mr. Palmer. The first experiment was on a boat capable of carrying, without much inconvenience, 20 persons. Plugs were taken out of her bottom fore and aft, and she soon filled up to the gunwale. Six men then pulled her out, and in this state rowed her through Waterloo-bridge and back; and it was quite evident that she might have gone any distance in the same state without risk of sinking.

The next experiment was on a smaller boat, and was made to show

the difficulty of upsetting one constructed according to Mr. Palmer's plan. Plugs were taken out as in the former case, and she was filled, four or five of the crew aiding the operation by standing on her gunwale, so as to put one side of her quite under water. She had no sails set, as there was little or no wind, but in order to show what would be the probable effect of a heavy gale which would bring her masts down to the water's edge, several men in a boat near her hauled away upon a rope made fast to her mast-head, so as to bring it as low as it could well have been brought in the heaviest gale or squall of wind, or in case of her being struck by a sea. In this state the men seated in the boat had the water up to their waists, but the utmost pulling at the mast-head could not sink or upset her. She was so much on one side, that it was only by holding on fast, to what would be the weather side in a sea which could place her in that position, that the men could keep their seats; but, notwithstanding this pressure, which would have swamped or upset any boat of ordinary construction, the very instant the men who pulled at the mast head let go, she righted; and though still filled with water, it was clear, that with five times the number of her crew she could have lived in any sea. The general principle on which these boats are constructed, — that of increasing their buoyancy by means of cases filled with air, and rendered water and air tight — is not new; but the application of it in this instance is very ingenious, and not wholly without novelty.

The boat is built as a whale-boat, sharp at both ends, fuller at the bow than the stern, but flatter

in the floor, and with more beam, in proportion to her length, to admit of sufficient space for the crew between the air-cases in the wings, with which she is fitted fore and aft. These cases, three on each side, occupy a space of forty cubic feet, and have a consequent buoyancy of water of twenty-two cwt. equally divided on each side, thereby preventing the boat from upsetting. She is likewise fitted with two other air-cases, one at each extremity, together containing sixteen cubic feet, and constituting a buoyancy of nine cwt. These cases, from the spring of the boat being situated so high, not only prevent her being depressed, in case of a sea rolling over her, but tend materially to right her again, in the event of her being thrown upon her side by a sudden press of canvass, or the stroke of a sea. The total buoyancy of the eight cases, being equal to thirty-one hundred weight is sufficient to bear up twenty-two persons, sitting entirely above the water; or, if sitting in the boat as usual, when a considerable part of their bodies would be immersed in the water, any number whatever, which can be placed in, or around her sides: it being well known that a buoyancy of ten pounds is sufficient to keep any person, head and shoulders, out of the water; and, the buoyancy being divided between eight separate cases, any two or three of them getting damaged would be of no importance to the safety of those in the boat. The wing air-cases are secured to the sides by means of a strong fore and aft batten on each side of the keelson, fastened to the timbers, having four plates screwed on to each, with eyes in them, into which hooks, affixed to boards, sufficiently long to reach the length of

the main cases, enter, and on which those boards turn up under the thwarts. These are secured in their vertical position, by being attached to flaps between each thwart, hanging upon hooks screwed into the rising of the boat, and which flaps form one continued platform on each side, level with the thwarts, and protect the cases, from being injured; forming at the same time, two complete side-lockers, into which small casks, or indeed any thing which is specifically lighter than water, may be placed, instead of air-cases, so as to render the boat equally safe from sinking, to the extent of the excess of the buoyancy of the article made use of beyond that of its weight. Dry fir alone would render the boat a good catamaran, and be capable of conveying a considerable number of people in safety to the shore. She is fitted with two scuppers, one on each side, just above the air-cases, to let off any water which she might ship from a sea breaking over her. Her length is twenty-six feet six inches, and width five feet ten inches. She pulls six oars; has two lug sails; steers either with a scull or a rudder, as occasion may require; has two timber heads, one on each side the bow, to make fast a warp to; and has high loose wash boards, for the sake of preventing the sea from breaking into her when launching from the ground. The total weight of the boat, when out of the builder's hands exclusive of all her loose fittings, masts, oars, &c. is only seven cwt. three qrs.; so that her own crew will find no difficulty in conveying her along the shore to any point most convenient for launching, according to the object in view. The weight of all her loose fittings, masts, sails, &c. is five cwt. two qrs.; but the

buoyancy of these articles being greater than their weight, if lashed down to the thwarts they will add considerably to the buoyancy of the whole body.

26. QUARREL OF THE DUKE OF BRUNSWICK AND THE KING OF HANOVER.—*Frankfort.*—The Commission appointed to examine the contest between the duke of Brunswick and the king of Hanover has presented to the Germanic federation the following "conclusions of Commission."

"Whereas his serene highness the duke of Brunswick has offended publicly and personally, in his honour and his dignity, his majesty the king of Hanover, by his patent of the 10th of May, 1827, and has renewed and enhanced the offence by a series of acts and representations which he has never in any instance recalled; whereas, by these repeated and constantly increasing provocations of his majesty of Hanover, the tranquillity of Germany is greatly endangered; whereas his serene highness the duke of Brunswick, by his conduct upon the occasion of the mediation of the courts of Vienna and Berlin, has given the most unequivocal proofs how little disposed he is to listen, in the true federal spirit of the Germanic body, to the wise and benevolent counsels of friendly courts, interposing with a view to an amicable adjustment of his dispute with his British-Hanoverian majesty; and by his whole bearing has made it imperative upon the federation, if it would not overlook one of the most important purposes of its constitution, to put a prompt and decisive termination to these aberrations: for all these reasons the Germanic body decides—1st. His serene highness the duke of Bruns-

wick is in fault, and is bound, within a term of four weeks, publicly to withdraw the patent of 10th May, 1827, and to make an appropriate written apology for his conduct by the medium of a special envoy; and in the forms usual amongst sovereigns. 2ndly. In consideration of the peculiar circumstances of the challenge of the Hanoverian cabinet minister, count Munster, by the Brunswick officer, M. Praun, the Germanic body expect that his serene highness the duke of Brunswick will subject the said M. Praun to the necessary examination upon an assault so notorious, and never legally punished, and will cause him to be punished now according to the laws of his state; they look forward also to the public notification of the result of the judicial proceeding to be instituted in its proper time. Further, the Germanic body entertains the most confident expectation, that from henceforward his serene highness will abstain from offering any offence directly or indirectly to his Hanoverian majesty; and that he will not suffer any of the state servants, or the subjects of his said majesty, to be persecuted or injured by the state servants or subjects of his highness, on account of the past. 3rdly. The federation attributes it to his serene highness's own fault, if his majesty the king of Hanover has felt himself called upon to take under his special protection the privy councillor M. Schmidt Phiseldek, formerly a state servant of Brunswick, but persecuted by his serene highness in a most injurious manner, contrary to the universally received principles of right, and without any of the forms of law, on account of his serene highness's per-

sonal quarrel with his Hanoverian majesty. Since, in consequence of these relations, the proposition for the delivery of the privy councillor Schmidt Phiseldek, resting upon the treaty of the 16th of November, 1535, and that of the 8th of January, 1798, is wholly inadmissible, so also is the complaint, grounded upon the refusal of the proposition of his serene highness by his majesty of Hanover, equally so. The Germanic body, however, expresses the hope that his Hanoverian majesty will, of his own good pleasure, and upon request of his serene highness, cause to be given and sent to Brunswick every explanation by the privy councillor Schmidt Phiseldek of his former official conduct in the duchy of Baden, which may be deemed necessary. 4thly. The complaints of Brunswick against Hanover, on account of the prolonged minority in the time of the supposed majority of his serene highness, the now governing duke, upon the part of his majesty the king, as regent of the duchy, during said minority; as also, 5thly, the complaints on account of the introduction of the new regulations of the 25th of April, 1820, into the duchy of Brunswick, by his royal Hanoverian majesty's government, as regent during the minority, are both alike inadmissible, upon the ground, that in both cases there is no legal cause for the interference of the federation. 6thly. As his majesty the king of Hanover, in the state paper of the royal cabinet minister, count Munster, has but increased a rightful privilege of self-defence, and a self-defence elicited by his serene highness's own demand for a disapproval of said paper, and for recalling the offensive passage

supposed to be contained in them, cannot be complied with; and the less so, because his serene highness has opposed to this isolated and extorted act a mass of the most offensive personalities, and has at last gone so far as to exceed, even in a statement presented to the assembly of the Germanic body, all former outrages. 7thly. Even as little attention is to be paid to the proposition made upon the part of Brunswick, touching the security of his serene highness the duke, and touching the supposed illegal passage of royal Hanoverian troops through the ducal jurisdiction of Thedinghausen; inasmuch as the royal Hanoverian government has already, and unsolicited, given every explanation upon the subject which could be at all expected from it. 8thly. As this lamentable misunderstanding between his royal majesty of Hanover, and his serene highness of Brunswick, has been the occasion of several opprobrious writings (*schmühschriften*) in the highest degree offensive and scandalous, as appearing in public print, and as hereby the danger of the strife itself is greatly enhanced, the members of the federation have unanimously resolved to prohibit henceforward in their respective states the printing or the circulation of all such unofficial controversial writings, without any reference to the number of pages; and also to take care that in the public journals nothing shall be admitted calculated to excite or to recal a quarrel now disposed of according to the laws of the Germanic federation."

28. At Woolwich, a poor woman, who resided in Spray's-buildings, and was the wife of a shipwright in the dock-yard, named Wennels, was precipitated, with

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her infant in her arms, through the decayed flooring of a privy into the abyss of filth beneath. Her screams and the noise of her fall were heard first by a woman residing in the next house, who ran into the street and gave the alarm. The first person, who rushed to her assistance, was a band-man of the Royal Artillery, and he found her still supporting her babe above the soil, but nearly covered herself. The only help he could afford on the instant was to exhort the poor creature to support herself by clinging to the end of a clothes prop which he held down, and this she did for several minutes, but ere more effectual aid could be procured—overcome, probably, by the mephitic air—she dropped her babe from her arms, which was instantly overwhelmed. Almost at the same moment, although a ladder had by this time been procured, she frantically exclaimed, "Oh! my child!" and fell back. The band-man was the first to descend the ladder, and soon became himself half immersed. With the assistance of some other persons the unfortunate woman was drawn out, after having been in her dreadful situation at least fifteen minutes. The child, however, was not got out for some considerable time longer, and was of course quite dead. The mother expired in about an hour after she was extricated, but had been quite insensible to her situation. There were no joists beneath the floor; the boards composing it rested simply on their ends.

AUGUST.

4. SUPREME COURT OF JUSTICE FOR THE KINGDOM OF K

BAVARIA.—*Trial of a Priest charged with having Assassinated three Women.*—The accused was Riembauer, a priest, born in 1770, at Randerstadt, in Bavaria. He was the son of a poor labourer, and spent the chief part of his infancy in the humble occupation of a cow-boy. He had scarcely attained his thirteenth year, when he threw himself at the feet of a curate of his village, and begged of him the instruction necessary for preparing him for the Lyceum; and he made so rapid a progress in his studies, that, in the space of a year, he was able to undergo the usual examination, and was admitted into the Lyceum of Ratisbon. At this place, Riembauer, by his strict conduct and his rapid advancement in knowledge, acquired the character of being an extraordinary student, and it was universally believed that he would attain to a high station in the church. In 1795, he was ordained a priest, and performed the duties of assistant-vicar in different villages. In 1807 he underwent, with much honour to himself, an examination for a curacy; in 1808 he was appointed curate of Priel; and, in 1810, he was promoted to the curacy of Randerstadt. Riembauer was a man of a remarkable figure, and of an interesting countenance, and there was something very striking in his whole appearance; he united grace and gravity; he was clever, eloquent, and insinuating. He was talked of as the priest *par excellence*, and held up as a model for all the curates of the environs. Besides, he performed his sacerdotal duties with extreme punctuality, and observed the most rigid line of conduct in his manner of living. All his leisure moments were devoted to reading and study. In

the church, his sermons were full of fire, and breathed the purest love of virtue, and he denounced the vices of the age in the most energetic style. He made the people believe that he had intimate communications with the heavenly spirits; he said he had received visits in his chamber from several of the dead, who had come from purgatory to request him to say masses for them, and that he had seen the souls of several (who had been freed) fly to the heavenly mansion, in the form of doves. He added, that in his walks at night, to perform the duties of his sacred office, the dead frequently accosted him in the shape of meteors, and begged his benediction; and that they turned to the right or to the left, according to the direction he gave his holy fingers. In fine, the people venerated him as a saint; and the person, who succeeded him in his former curacy, thought himself sanctified in obtaining the place of so holy a man.

Such was the person who, a few years afterwards, was accused of the following crimes:—First, of having had a child by the cook of the curate of Hoskirchen, who lay in, about the year 1801, of a male child, which died shortly afterwards; secondly, of having had a child by Ann Marie Eichlaetter, the servant of the curate of Hershheim, and of having assassinated her by cutting her throat with a razor; thirdly, of having had children by a milliner, and another curate's servant maid: fourthly, of having had a child by Madelaine Fravenknecht, the daughter of a farmer at Lauterbach, of having swindled her father of 5,000 francs, and of having poisoned the daughter and her mother; fifthly, of having had at different periods

three children by Ann Weninger, his last kitchen-maid; sixthly, of having forged a certificate of deposit for a sum of 1,400 francs; and lastly, of having caused abortion in two women.

The following are the details of the different crimes:—When Riem-bauer was curate of Pirkvang, he introduced himself into the house of a farmer named Fravenkneht, whose family were celebrated for the purity of their morals, their economy, and their constant application to the business of the farm. The family consisted of the father, his wife, and two daughters, named Madelaine and Catherine. Riem-bauer conceived the foul project of seducing the former, and of appropriating to himself the fortune of the family. His first care was to do away with all apparent superiority and distinction of rank, and for that purpose he assisted the family in their rustic toils, quoting upon the occasion the decrees of the council of Carthage, and citing the examples of various priests and bishops of ancient times, who had all united the sacerdotal duties with the labours of cultivating the earth. In a short time he purchased (without having any property of his own) the farm belonging to the family for 10,000 francs, forged a receipt for half that sum, and, with respect to the other 5,000 francs, he had the tact (after the death of the father) to induce the widow to free him from all responsibility by the means of reciprocal engagements. He was not less successful in his plan of seduction. Madelaine gave birth to a child at Munich, and Riem-bauer even exacted from the mother a sum of 1,000 francs for the expenses of the lying in of her daughter. At the time

of her accouchement Riem-bauer was staying at Munich for a short time, in order to pass an examination. He had not been there long when he received an unexpected letter from Ann Marie Eichlaetter, his former paramour, who had just arrived from her native village, in order to claim some assistance from him. Not being able to see him, she was obliged to write him a threatening letter on the subject. Riem-bauer immediately went to see her at Ratisbon, and was again treated as a lover, but he positively refused to give up his new intimacy with Madelaine, or to take Ann Marie into his service as kitchen-maid. Shortly after, the latter quitted the city of Ratisbon a second time, and went to visit Riem-bauer, who was then at his vicarage. She was never seen afterwards!—Some time after, Riem-bauer was appointed to the curacy of Priel: he sold the farm which had belonged to the family of Fravenkneht, and repaired to his new habitation, accompanied by the widow and her two daughters. In the course of the following year, Madelaine died suddenly, and her mother expired in the same way five days afterwards. Before these two deaths took place, Catherine, the youngest daughter, had left the house, and lived as servant in different families. Five years elapsed, during which nothing transpired touching the deaths of Ann Marie, of the widow, or Madelaine, her daughter. But there existed a witness of the crimes of Riem-bauer, and that witness was Catherine! This young girl, who was naturally of a very lively disposition, was sometimes attacked with fits of sombre melancholy and convulsions, which could not be accounted for. She exhibited symptoms of the

greatest terror, whenever she was obliged to sleep alone. This state of uneasiness and melancholy increased from day to day. At last she communicated to some of her confessors that she had seen Riembauer, the priest, assassinate a young woman; and at last she denounced him before the magistrates. The following were the facts disclosed in her statement and in the indictment:—Ann Marie Eichlaetter was described by Catherine as a very beautiful young woman, and particularly remarkable for having a fine set of teeth. Catherine stated that Ann Marie came to the house of Riembauer for the purpose of getting some pecuniary assistance from him. He made her walk into his room. Madelaine, who was then 12 years old, being anxious to gratify a curiosity not unnatural at her age, looked through the key-hole; she beheld the curate holding the young woman extended upon the ground, and pretending to embrace her. She then saw him press her head against the floor, and draw a razor across her throat. Terrified at this sight, Madelaine ran and informed her mother and sister, who went to the door and heard the following conversation between the assassin and his victim:—"Repent of your sins—you must die!"—Marie replied, in an agony of grief, "François, don't take away my life!—surely you would not kill me!—I will never again come to trouble you for money." At that moment the mother and sister of Catherine went away from the room door, but the latter remained, and continued to look through the key-hole. She saw Riembauer kneeling upon the young woman, who lay at full length upon the floor, and pressing between his bloody hands the head

and neck of Marie. Shortly after he left the room, and entered the apartment where the mother, Madelaine, and Catherine were sitting, and related to them what he had just been doing, remarking that the crime was an act of necessity, that Marie had a child by him, that she had tried to extort 400 francs from him, and that she had threatened to inform against him. He then addressed to them the most earnest supplications, and made the most flattering promises, in order to induce them to keep the secret. Catherine's mother seemed anxious to denounce him at the moment. Riembauer, upon this, threatened to commit suicide, and he even took a rope and went into a neighbouring wood; but the woman, frightened at his manner, followed him, and implored him not to make away with himself, promising at the same time to bury in oblivion what had passed.

It was about two years after the perpetration of that crime that Madelaine and her mother died, both of whom (according to Catherine's account) were poisoned by Riembauer. She added that the mother and the daughter had frequent quarrels with him; that Madelaine had even expressed her determination of quitting the house; and that both of them were seized with illness at the same time. Riembauer prevented a doctor, a surgeon, or a priest, from being called in. He had the medicine made up by a barber, and administered it himself to Madelaine, who expired almost the moment after she had swallowed it; her body, after death, became very much swelled, and was covered with spots; the blood flowed from her mouth and nose; and the barber ascertained that Made-

laine was at that time in the family way. Riembauer had done every thing in his power to bring Catherine over to his interest, well knowing that she was the only living witness of the crime; but she avoided his entreaties with a great deal of cleverness. On one occasion he promised her a marriage portion of 8,000 florins, provided she remained in the house with him; and upon her refusal he observed, "Your mother and your sister are dead—they will never speak again—and I shall say they murdered Marie." Upon the information of Catherine, Riembauer was taken into custody, and the investigation, which followed, confirmed all the circumstances which had been revealed by the unfortunate survivor. The skeleton of the dead body was found. The mouth exhibited the fine set of teeth described by Catherine. In his first examination, Riembauer replied to the questions put to him with considerable address, admitting those facts which he could not deny without compromising himself, but protesting that he was not the murderer of Ann Marie, and attributing her death to Madelaine, who was jealous of her. With the most perfidious skill, he combined, and put in the strongest light, all those circumstances which could render this system of justification probable. The examining judge, unable to reason the prisoner into an acknowledgement of his crime, sought to act upon his imagination. On All Saints' Day, the anniversary of the murder of Anne Marie, at four o'clock in the evening, he entered upon the 88th examination. After endeavouring during eight consecutive hours, to wring an avowal from the prisoner, by laying before him the evident

proofs of his guilt, he gave up the attempt as useless. At that moment it struck midnight, when the judge suddenly unfolded a black cloth, containing the skull of Ann Marie. At this sight Riembauer started from his seat, opened wide his eyes, and smiled, according to his usual custom, and yet drew back three paces, as if retreating from the accusing looks of the fleshless skull; but, quickly recovering his self-possession, he exclaimed, "My conscience is at rest; that head, if it could speak, would say, Riembauer is my lover, and not my murderer. This is the anniversary of her death."

This extraordinary case had been pending for the last four years before the Supreme Criminal Tribunal of Bavaria, and the proceedings on record already occupied 42 volumes, when, at the moment of one of the judges sending in a final report, it was announced to him that the prisoner had changed the nature of his declaration, now asserting that it was the widow Fravenknecht alone who murdered Ann Marie. Upon this a new series of examinations was entered upon. The prisoner at first persisted in this novel declaration, but at length, on the one hundredth examination, he made an avowal of his guilt. The motive of this avowal, so obstinately withheld during four years, was not a little singular. Riembauer stated that he had seen, from his dungeon, a Jew, who had committed murder, going to the scaffold. He was struck with the serenity and firmness exhibited by the Jew in his last moments, and, on speaking of the circumstance to his gaolers, he learned that it was only after a full confession of his crime that the culprit, named Lammfromm, had

recovered all his tranquillity of mind ; and from that moment he (Riembauer) resolved to declare the whole truth. " Yes," said he, " I am seized with horror. I feel that my health is daily perishing. You are right in advising me to make a full and sincere confession. Before doing so, I recommend to the care of government my innocent children and my last cook-maid (*ma dernière cuisiniere*). Catherine told truth—it was I that murdered Ann Marie Eichlaetter." And to prove to the judge his love of truth, he moreover confessed to him that he had caused the abortion of two of his mistresses, which, he added, he considered no sin, as according to the rules of ecclesiastical law, in the first months of pregnancy the foetus is deemed not to be possessed of life. He also related to the judge, that, wishing to get rid of a man whom he hated, he had ardently prayed to God to deprive him of life, and that soon after the individual gave up the ghost ! He also added that on an inn-keeper refusing to lend him a small sum of money, he was seized with the most violent desire of setting fire to his premises.

" When Ann Marie," said he, " endeavoured to compel me to take her again into my house, I began to reflect upon the bad consequences such a step might entail upon my reputation and credit. I recalled to mind the principle of the Jesuit Father Staller, who, in his work called '*Ethica Christiana*,' declares that ' it is allowable to kill another, if there be no other means of saving one's honour or good renown.' I also recollected that other principle of the Jesuits, that the end sanctifies the means.' I reflected upon the great evils that the public

scandal, with which Ann Marie menaced me, would cause to the people and to my sacred profession, and I said to myself, ' If a priest of such unblemished reputation were found to be a sinner, great would the detriment thereof be to religion ; therefore, as there were no means of avoiding public scandal but by the death of Ann Marie, and her death tended to produce a laudable result, I do not think I have acted criminally, for my intentions were pure, and '*ad majorem Dei gloriam*.' "

Riembauer never neglected to go through a kind of nuptial ceremony with his mistresses, either for the purpose of tranquillizing his own conscience, or for the better securing their fidelity. Clothed in priestly vestments, with tapers lighted, he went through all the ceremonies of marriage, he himself performing the double function of priest and bridegroom, and concluding the ceremony, by placing a ring on his mistress's finger. The children resulting from those connections he regularly baptized, giving them, for father and mother, names taken at hazard.

The Supreme Criminal Tribunal of Bavaria condemned this extraordinary criminal to close confinement in a fortress for an unlimited period.

6. COUNTY ARMAGH ASSIZES.—The hon. Justice Jebb arrived in this city from Monaghan at ten o'clock, and took his seat in the Crown Court at twelve.

After some preliminary remarks on the state of the calendar, Judge Jebb said, " The recent mischiefs originated with certain processions customary in this country,—processions which, it is my duty to declare, are not in themselves unlawful. They were in commemora-

tion of an event dear to every real friend of religious and civil liberty and of the last importance to these united countries; to put a violent stop to them would, therefore, be acting in direct violation of our free constitution; for, abstractedly taken, they are, I repeat, lawful. History, we may all remember, informs us, that, at former periods, all classes—all, from the highest to the lowest in the land—cordially joined together in publicly commemorating the events to which I allude—and, clearly, there was nothing unlawful in this. But circumstances have since been changed, and the present aspect of the times renders it necessary that prudence should be consulted. Such public commemorations, at one time unobjectionable and even praiseworthy, now excite feelings of the most unpleasant and exasperated nature in others; and it was said such celebrations alone constituted the ground of offence. Until very lately it had not been considered unlawful in people to manifest their opinions in this way; now, however, it was so considered by others, who seemed to take it as an insult to their feelings—irritation is thereby produced—angry words generally ensue—recourse is next had to blows—then follows a confused scene of riot and outrage, and the affair too often terminates in a profuse shedding of human blood.—My opinion, then, decidedly is, that the mere act of publicly commemorating a legal event is not in itself unlawful; but if such commemoration have a tendency to riot, or if a breach of the peace be apprehended to result from it, then indeed it becomes unlawful. I will add further, that if persons commemorating even a legal event are attacked by an oppo-

site party, and an engagement ensues, they are equally liable to be indicted for riot, though not equally guilty. So much for these commemorations.—Now, the other party—you, gentlemen, will understand whom I mean by the other party—have meetings and assemblages for the purpose of preventing and resisting the commemorations I have mentioned. Such meetings, the object of which is to disturb the public peace, are unquestionably in themselves unlawful. None but the constituted authorities have a right to interfere in the dispersion of any such assemblage, and this they should do wherever they find them; at the same time the law should be equally administered on both sides. It is the duty of magistrates, whenever an assemblage or procession is contemplated, and where they have reason to apprehend a collision of parties, to use every entreaty to induce them to desist, and also to warn them against the consequences of so assembling; and if, notwithstanding this caution, they do assemble, the magistrates will then act in such a manner as may best contribute to preserve the peace, and to punish every infraction of it. If the authority of the magistrate be disregarded by the assemblage, and there be a reasonable ground for expecting riot and outrage, the Riot Act should be read and the people ordered to disperse. [The people should know that those who do not obey the statute law, incur a charge of felony.] The Riot Act being read, it will then be a matter of discretion with the magistrates either to resort to force for dispersing the assembly, or to acquaint themselves with the names of the rioters. My advice to the magistrates would be,

to be very cautious before they resort to force; and the much better way, in my opinion, would be for them to satisfy themselves with taking down their names. It should be at the very last extremity, they should resort to force. As to the opposite meetings, they are in themselves clearly unlawful. The magistrates should tell those persons they are not to take the law into their own hands: and if they do not at once disperse, force should be resorted to."

8. BURY ST. EDMUND'S.—William Vialls, aged sixteen, was indicted for having, on the 14th day of July last, feloniously cut and stabbed one George Green with a razor, with intent to murder him. The prosecutor was led into court by two men, and appeared with his face and throat enclosed in a black silk handkerchief. He deposed as follows.—I have been apprenticed to Mr. Bridge, of Clare, for four years and a half. Prisoner had been a fellow apprentice for nine months. On Friday, the 14th of July, I went to bed at a quarter before eleven o'clock, with the prisoner. After we got up stairs we conversed, and I soon went to sleep. We had no quarrel. In the middle of the night I was awakened by a feeling of blood flowing from my neck. I opened the window, and called to the maid for a light, and said my throat was cut. I asked prisoner to take the light, which he refused to do at first, as he said he was in his shirt. He did take it afterwards. The door was buttoned on the inside, and the window was barred.

Mary French: Was servant to Mr. Bridge in July. My window is opposite to that of the apprentices' room. On the night of the 14th of July I was

awakened by Green calling me. He called "Mary, Mary! for God's sake bring a light. My neck is cut, and I am bleeding." I got up, and by the moon I saw the blood streaming from his neck. He was then sitting on the bed. I had a light, which the prisoner at first refused to take, because, he said, he was in his shirt. I went for Mr. Bridge, and we went into the room. The prisoner was putting on his clothes, and he went for the doctor.

Samuel Bridge: I was awakened on the night of the 14th of July, by Mary French, and went with her to the prisoner's room. The door was fastened, and I demanded admittance. The door was opened, and I found Green on the bed with his throat cut, and bleeding. I said to Green. "Good God! how came this about?" he said, "I did not do it." I told prisoner to go for the brandy: he went, but came back, and said he could not find it. I sent him a second time, but he refused to go. I then went myself, leaving him with Green. When I came back, I again asked "who had done it." Green repeated, that "he did not do it himself;" and prisoner said, "Was it not Moore?" (Moore had lived with me, but was discharged.) I said "If it's Moore, he's here now," and looked under the bed, but he was not there. I sent the prisoner for the surgeon, and he went immediately. The surgeon came in about twenty minutes and sewed up the wound. French assisted, and prisoner held the candle. We searched his bed, and found nothing; nor any-thing in the boxes. We then searched prisoner's bed, and under the pillow found a great quantity of human hair, and a pair of scissors. A great deal of blood was on the

sheets. The counterpane was rolled up and put away, and in it were found a plum cake and two pieces of board and string, and a razor sheath. The constable came, and he and I and the surgeon went into a room below; the prisoner was called in. I asked the prisoner to tell what he knew of the occurrences of the night. He said he knew nothing of them. I asked him what he had in his bed? He said "nothing but his scissors and a key." I asked him, "did he know anything about the hair?" he said, "No." We questioned him awhile about it, and he said some one must have put it there. He then took off his night cap and found his own hair cut off. I asked him how it came to be cut off? He said he did it himself. I asked him what he did it for? he said "to keep himself awake." I said "Why did you wish to keep yourself awake?" He said "because he wished to destroy himself in the course of the night." I asked him, "how Green came to be in the state he was?" He replied, that "he knew nothing about it, he only wished to destroy himself." I said "William, you do know about it." He said, "Ay, but you don't know what I did with the razor." I said, "You do; tell me." He replied, "I threw it into Heward's garden." I then gave him in charge to the constable, and desired him to fetch the razor, which he did. Cross-examined.—I found this piece of paper in his pocket next day (produced.) The writing is the prisoner's. [This paper represented, on one side, a man hanging from a gallows, drawn by the prisoner in pencil; and on the other was written "The execution of William Vials, this morning at five o'clock."]

After some other evidence, the

confession of the prisoner before the magistrate was read. It stated that, about a week previously, he found himself very uncomfortable in his mind about some shirts he had sold, and that on Sunday night he made up his mind to make away with himself. On the night in question he resolved to put this purpose into execution. and, about half-past eleven, he cut off his own hair to keep himself awake, thinking he might be overtaken by sleep before he had quite done it. He then went to kill George Green, but had not resolution then; in half an hour he got out of bed, and, by the light of the moon, he saw Green lying nearly on his face, and took the razor and cut his neck. He was then going to kill himself, but Green woke and he could not. This was the case for the prosecution.

The prisoner called the following witnesses.

Mary Rose: In September, 1827, the prisoner came with his master to lodge at my master's House in Threadneedle-street, London. He stayed six or seven months. I used to make his bed. On one occasion, I found one of his day and one of his night shirts cut quite up to pieces and put under his bed. They were good shirts. I have them (produced.) On another occasion, I found three of his pocket-handkerchiefs tied together, and hanging from the curtain of his bed. They had a noose at the other end that would slip. Another time I found a piece of rope tied to the bed-curtain iron, with a slip noose at the other end. It was an ordinary slip noose, which would have afforded ready means of hanging any one. He was very low at times, and could not bear to be

shut in a room alone. Whenever he was shut up alone, he always jumped up and opened the door. I made the observation, while he lived with us, that he could not be in his right mind, and I do not think he was. My mistress used to say and think so too.

William Reeve: Knew the prisoner when he was quite a child. Knew him intimately from the age of six till twelve. He was of a kind, mild and inoffensive disposition. He was not of a robust frame, and did not much associate with boys, preferring the society of little girls. He was effeminate in his manners, and never cruel either to man or animals. He had a first cousin confined in St. Luke's Hospital for insanity.

The jury, after some deliberation, found the prisoner *GUILTY*.

Silence being then proclaimed, the Judge proceeded to pass sentence of death, which he did in a most impressive address. The extreme youth of the prisoner (not yet 16), his quiet, mild appearance, and the extraordinary circumstances under which the deed was perpetrated, created a general sympathy for him throughout the crowded court. He was most respectably connected, and had a mother (a widow), whose hope and darling he had been.

10. SEA STORM. — The St. Patrick Steamer, laden with passengers, carriages, horses, &c. from Bristol to Dublin, on Thursday morning last, was within view of Bray-head; but so violent was the hurricane, and so boisterous the sea, that she did not reach the Custom-house quay until Saturday. At one time she was in so much danger that all on board, except the master, abandoned every hope of safety. The tables

and seats in the cabin were thrown down, and the passengers were obliged to dine off the floor: no person or thing could remain in an upright position, and the sailors were obliged to crawl about on all fours. The horses were severely injured. The only being that escaped from all harm was a Scotch bull; but, although uninjured himself, this brute did a great deal of mischief, especially to the horses, into whose birth he was tossed.

12. JUVENILE INCENDIARY. — COURT OF ASSIZE OF MARNE (RHEIMS). — Lambert Canisot, called Frederick, resided with his family in the hamlet of Sommeville, in the commune of Hermouville. His father (who had many other children) was a gardener, and usually went out to work in the neighbourhood, accompanied generally by this child. — Between the 31st of January and the 9th of April, the hamlet was astonished by the occurrence of ten fires; another fire happened in the hamlet of St. Martin, and a twelfth in that of Warmeriville, which is not far distant. The first was on the 31st of January, when a house in the hamlet took fire on that side of the thatched roof next the fields, and a few feet from the ground. On the 9th of February, at nine in the morning, another fire happened in an out-house belonging to a man in the same hamlet. The flames were arrested in time, and only the stable was consumed. Lambert Canisot was the first to perceive the fire and give the alarm. On the same day, and only a few moments after the preceding fire, another broke out, on the side towards the fields, in the thatched roof of the house of a man named Faucheron. The progress of the flames was so rapid, that this house was destroyed, as well as

part of the next. Canizot was the first to enter an adjoining house, and give the alarm to Laluc, the brother-in-law and neighbour of Faucheron.—On the 15th of February, about two in the afternoon, a child's *sabot* was found, full of dead embers, at the foot of a heap of straw, placed near the wall of a barn filled with corn. It was evident that the cinders were brought in the *sabot*, and some were found even in the heap itself. It was afterwards discovered that this *sabot* belonged to the younger brother of the prisoner, but it was not noticed at the time.—Three days afterwards, at nine in the morning, commenced a series of attempts to set the house of Laluc on fire, which finally ended in the total destruction of his property, and eventually in the discovery of the incendiary. The fire began, as usual, in the lower part of the thatch, next the fields, and only a few feet from the ground. There were heated cinders found in the thatch, which left no doubt that the fire was premeditated. Here again Canizot was the first to announce that the house was on fire.—The unfortunate inhabitants of Sommeville, seized with terror at these frequent attempts, took arms in their defence, and formed themselves into a body, to watch, and if possible detect the incendiary.—On the 24th of February, an attempt was made to set fire to the house of Decu, but the progress of the flames was here speedily checked. As before, the fire began in the thatch, a few feet from the ground on the field side, and cinders were found in the place. When the house was entered for the purpose of discovering the incendiary, Decu and his wife had gone off, afraid lest they should be

brought into trouble by the transaction. Suspicion had, before this, fallen upon them, particularly on the wife, which their flight now served to confirm. The husband was prosecuted—but their innocence soon appeared; for, after their flight, and whilst the husband was in prison, the fires continued, and their house was the first to fall a victim to the flames.—On the 14th of March, at one in the afternoon, a fire was discovered in the house of the widow Pilloy, which nearly destroyed that and the next house. It began in the same manner as the former fires, and Canizot was, as before, the first to give the alarm to the mayor.—On the 16th of March another attempt was made on the house of Laluc. It was now found that his house was insured, and, it was said, for more than its value; and suspicion at once marked him out as the author of the several attempts which had been made.—On the 9th of April a fire was perceived in the same part of the thatch of Laluc's house, where the former fires had commenced. The inhabitants of the hamlet, thinking the attempt was by Laluc, or some of his family, made no efforts to check the flames, but rather laughed at the event, and said, "as he wishes to have his house consumed, let him," and the greater part of the house was destroyed.—On the same day, and at the same hour, two women, going in different directions, noticed young Canizot coming from his father's house and going to the field at the back of Laluc's, with both his hands under his smock frock, a practice which they considered unusual with him. He was going towards Laluc's house, but, seeing himself observed, took another direction. Shortly

after, one of the women who watched him, but who went some little distance to her husband, who was at work in a vine-yard, to avoid his notice, looked over a hedge and saw Canizot thrusting his hand into the thatch of Laluc's house. She mentioned the circumstance to her husband, and, at the same time, Canizot seeing that he was watched, threw himself down, crept from the field on all fours, and soon got back to his father's house. While the husband of the woman, suspecting that something was wrong, went to tell the circumstances to Canizot's father, she saw the flames burst out in the spot where the young fellow had thrust in his hand. Information was then given to the magistrates, and another investigation was commenced, the result of which was, that young Canizot was taken into custody, and committed for trial. On searching his father's house, the fellow to the *sabot*, which had been found full of embers on the 15th of February, was discovered.—On the trial there was evidence given, which fully proved that Canizot was the incendiary. The circumstances of his being always found near the place—of the fire beginning at just such a height from the ground as he could reach—and the finding of the *sabot*; the fellow of which was in his father's house, added to the evidence of the woman who saw him thrust his hand into the thatch at Laluc's house, and endeavour to conceal himself, left no doubt on the minds of any that he was the guilty party.

The jury pronounced the accused *Guilty*, and found that he acted with a perfect discernment of the crime he was committing. The Court sentenced him to twenty

years imprisonment in the House of Correction (the maximum of punishment), and also to ten years of surveillance afterwards, under a recognizance of 100 francs.

14. MURDER BY POISON.—*Norwich*.—John Stratford, aged 41, was indicted for the wilful murder of John Burgess, by administering to him a quantity of arsenic.

Jane Briggs: I am the wife of Thomas Briggs; my husband has been living in the poor-house of this city since last May twelvemonths. In March last I was pregnant by Mr. Stratford; I told him of it when I was two months advanced, and several times subsequently: I was confined on the 2nd of June. During the time my husband has been in the workhouse, I was in the habit of carrying him flour every week. The prisoner often asked me, how my husband was? He begged me to keep my situation as quiet as possible, that it might not be known; for if his wife heard it, it would disturb the peace between them for ever. I told his wife in his presence that "I was very sorry that I could not carry my husband flour enough for his wants." I do not think the prisoner was ever present, when I was sending flour to my husband, except once, when nurse Burgess was there. I recollect one day sending a tea-cup full of flour in a white cloth, but I cannot say it was on that day. I never sent any flour to my husband, except that which I mentioned, which was in the white cloth.—Mr. Charles Cross: I am a druggist; the prisoner came to my shop about three weeks after Christmas to purchase arsenic. A person of the name of Thomas Colman came with him; he said, he wanted it for poisoning rats.

My apprentice served him with it, wrapped up in whitish brown paper, and wrote upon it "Poison;" he then went away. On that occasion, he asked me if I had any crude arsenic? I said "No, but I had powdered." He said that would do, and he asked me for two-pennyworth.

W. Dawson, apprentice to the former witness: I weighed for the prisoner two ounces of arsenic, and put it in white paper and then brown. I wrote the word "poison" on both papers, which papers I have seen since.

Isaac Kemp, constable: I searched the shop of the prisoner after the coroner's inquest. I found a small parcel of arsenic wrapped in two papers; on both the word "poison" was written.

Susannah Hook: I was in the workhouse in January and February last as a servant. The prisoner came to the poor-house with a parcel, about the middle of the day; it was a brown paper parcel, which remained in the house till about three weeks previous to Burgess dying. When the prisoner gave me the parcel, he told me it was for one Mr. Briggs: I asked him if I might ask my mistress to let him carry it himself—he told me to deliver it myself and it would be just as well; the parcel was put upon the window in the kitchen. The prisoner came as far as the workhouse yard, and then went away. I continued working there, and saw the parcel all the time. I know Mrs. Burgess; she had the care of the sick room where Briggs was; I saw her pass the kitchen window, and I told her I had a parcel for her; I gave it to her, and observed writing upon it.

Rhoda Burgess, the widow of the deceased: I am a nurse, and

it was my duty to attend upon Briggs. I recollect receiving a parcel from Susan Hook in the governor's kitchen, it was a brown paper parcel, which I took to Mr. Briggs's bedside. I delivered it to him: it appeared to me to be flour. Briggs said, I suppose there is no money in it. My husband (the deceased) was sitting at the foot of his bed, and said, "Give it to me, and I'll see." Briggs gave the parcel to me, and I gave it to my husband, who examined it, and tied it up, and put it into the cupboard at the foot of Briggs's bed, and it was not meddled with until my unfortunate husband took it. No person lodged in the room with Briggs, and it was my business to attend upon him; he is bed-ridden, and has not been down stairs for the last year. On the 2nd of March I saw a saucepan on the fire; my husband was making some flour into dumplings. I said, "in the name of God, who put on that saucepan;" one of the women said, "your husband." I said "what has he to cook?" We had no flour of our own, and I am confident it was the flour brought to Briggs. After my husband had finished making the dumplings, he brought a couple of them and put them into the saucepan. I saw him take them out of the saucepan and carry them to the cupboard, and cut them up. Whilst they were boiling, there was a nasty dirty froth at top. After he had cut up the dumplings, he asked me to have some of them. I said, "No, I thank you." I was not well at the time. After seeing my husband eat heartily of them, I took a piece of one of them and carried it down to my son, and eat a piece myself, and gave the rest to Ann Piller and Mary Moss;

this was between one and two o'clock. After I had eaten some, I felt violently sick. My husband went out complaining of being very sick, and went down stairs. In about half an hour after, he was led up and came into my room to his bed; he was helped on to it, and he then said he was a dying man.

Two surgeons stated their opinion that the deceased died from taking a mineral poison. Mr. Stark, a chemist, entered into a description of the various tests and experiments by which he detected arsenic in the flour, and gave it as his opinion that the deceased had been poisoned.

Susan Hook and Rhoda Burgess identified a paper bag in which the flour was, as being the same the prisoner brought to the workhouse: and two witnesses proved the handwriting of the prisoner upon the bag.

Briggs, the pauper, was then brought in; and had a veil placed over his face, to conceal the dreadful appearance produced by cancer. He deposed as follows: I remember Mrs. Burgess telling me some person had sent me some flour in a paper bag; I told her to put it in the cupboard till I wanted it; it was sent in February. I never took the bag out of the cupboard, nor do I know that any person ever did. I never saw Burgess take any thing out; I mostly lie in bed with my face covered. My own sister and family were the only persons in the habit of coming into my room.

Margaret Briggs: I am the daughter of the last witness; I have occasionally carried flour to my father in the workhouse.

Several witnesses were then called to identify the bag, as also that no

person had access to Briggs.—Mrs. Briggs recalled: I never told the prisoner that my husband was aware of my pregnancy.

The case being closed, his lordship told the prisoner, that the time had arrived when he might make his defence. The prisoner said, "Oh, I am perfectly innocent of the charge; and I declare that I never entered the premises in my life." Several respectable witnesses were called as to the character of the prisoner, of whom they spoke very highly. The Jury retired at six o'clock to consider of their verdict. About a quarter past ten the jury came into court, when one of them asked, if there were any evidence that any flour had been taken from the brown paper bag before the day on which Burgess made the dumplings and died? Mr. Justice Parke.—There is no evidence, gentlemen, of any having been taken out until that day. The jury then found the prisoner *Guilty*. He afterwards confessed.

EXETER.—Kezia Wescombe, a female about thirty-two years of age, and Richard Quaintance, a man of thirty-five years of age—were indicted, the first for the wilful murder of her husband, by administering arsenic to him—and the second, for inciting her to the murder. Samuel Wescombe, the deceased, was a labouring man, residing at Whigton, in the parish of Heavitree. The prisoner Kezia, his wife, was a woman of very depraved passions. Quaintance, the other prisoner, had a wife and two children in a distant parish, and had, about six weeks before the murder, abandoned his family, and come to reside in the house with the deceased and his family.

For the purpose of showing the conduct of the prisoner on the even-

ing of the murder (Tuesday, the 5th of May), several witnesses were called. On that evening Kezia and Quaintance drank tea together in Kezia Wescombe's house: in the course of the next morning (Wednesday) Kezia came into the house of a neighbour, and said that Sam, meaning her husband, had been violently afflicted with vomiting and purging all night. Some one proposed that, as on that day the parish surgeon (Mr. Pridham) was coming to see a person in the neighbourhood, it would be right to bring him to see Sam. Kezia replied that "Sam would not see the doctor;" but afterwards said, in case he came, she would have him to see her husband. The surgeon, however, did not come that day. In the afternoon of the same day, Kezia again came to the same persons, when they asked how Sam was. She replied that he was still very ill, and she gave an account of his illness. She said that, the night before, her husband, on his return home, felt sick; that she told him that she had got no potatoes in the house, but that she would make him a little broth. He consented, she took a piece of fat spine of mutton, and boiled it; made some thickening, which was described by a witness to be a white powder; put bread into it, and left the crock, into which these materials had been mixed, on the fire, after which she went out. The same evening (Wednesday) Quaintance drank tea with her about seven o'clock. About this hour a witness saw them together, and heard the deceased, who was in bed in the next room, call to his wife, and ask her to rub his legs, for he felt pains, as if of rheumatism. Kezia refused to go, and Quaintance ultimately went in to the deceased. A young female,

who was with Kezia on the Tuesday night, stated that she saw the thickening stuff in the kitchen; that she saw it partly put into the crock of broth, and that afterwards she saw the crock with half its contents gone. She also observed Kezia put the cup into which she had poured some of the thickened broth, before giving it to her husband, to her mouth, but she did not think that Kezia drank any of it. It would appear that this act of Kezia's was intended as a blind on this young girl; for Kezia afterwards mentioned to the mother of this witness, that she herself had taken a cup of the liquid in the presence of the witness.

A witness of the name of Sarah Trout, an Irish woman, who was in the habit of laying out dead persons in her own country, stated, that Kezia called her up about midnight on the Wednesday night, telling her Sam was dead. She went into the house and found the deceased quite cold and stiff. From the extreme difficulty she had in stretching the limbs of Wescombe, she concluded that he must have been at least three hours dead.

Mary Richards, a neighbour, stated that, on the Thursday morning, Kezia came in to her, very much afflicted, expressing great concern at the proposal to open her husband. The same night Kezia slept with this witness, and, as they were going to bed, she began to lament very much. The witness asked her what was the matter, when she made use of the following expressions:—"I hear Brown has said that Sam has been picking savin. If he has been wicked enough to take savin, I am sure he would be wicked enough to take arsenic, mercury, or any thing else." Next morning she rose early, between five and six o'clock, and dressed

herself with unusual care. She appeared to have prepared herself for going out. She was asked where she was going, and she replied as follows:—"I am going to Exeter to get a person to be bail for me, to stand my friend, for it will be too late when I am taken up; for one says this and another says that." It was further proved that, a little before the death of Wescombe, Quaintance the prisoner, purchased at a druggists three ounces of white arsenic, which he said he wanted for the purpose of destroying rats in his master's premises. When the druggist who sold the arsenic came on the table, Mr. Justice Burrough enjoined him never again to sell poison without taking down in a book, specially kept for the purpose, the names, address, &c. of the parties to whom it was sold, and the day of the month. To connect Quaintance still more closely with the principal in the crime, it was shown, in the first place, that there were no rats on the premises of the farmer, with whom he worked at this time, and to whom alone the term "master" could be supposed to apply. Next, it was proved that Quaintance himself had conveyed the intelligence of Wescombe's death to relations at several miles distance in such time as fixed upon him the knowledge of that event at the moment it took place. Again, when the day after the death, Quaintance, who was a thatcher, was working with some others, he consulted them as to the power of Kezia Wescombe to resist the opening of her husband's body. When he found that the law was too powerful for the opposition of the wife or any body else, some of those whom he consulted described him as being very much confounded. The surgeon,

who superintended the *post mortem* examination, proved that the death of the deceased was produced by some active, corrosive, highly stimulating substance. The jury, after a short deliberation, found both the prisoners—*Guilty*. On Saturday the prisoner Kezia voluntarily stated, that she had administered the poison to her husband, in consequence of a secret agreement between her and Quaintance.

27. TYRONE ASSIZES.—OMAGH.—Thomas Read, John M'Elindon, and Hugh Williamson, were indicted for the murder of John O'Neill, at Black-bridge, in the parish of Clonoe, on the 13th of July.

Daniel Corr examined.—Was at his work the evening of the 13th of July; went to the chapel of Clonoe; saw a party near the chapel to the number of three hundred; they were the Catholic party; in an hour and a quarter after, saw the Orange party come forward towards Black-bridge; they had arms and a flag, no drums, fife, or music; Black-bridge was between the Protestants and the chapel; thinks the Orangemen had a communication; was not near enough to hear what was said; the first party of Orangemen fired a shot towards the crowd; saw smoke, did not see the gun; they then went into a field of Micky O'Neill's; delayed there, and fired a second shot; witness took shelter when the second shot was fired; had no gun; saw the smoke leave the gun, but could not swear he saw the gun, or what time there was between the two shots; went behind a ditch for shelter: after that, heard plenty of shots on both sides; witness was a little confused; was between forty and fifty perches from where the shots were fired;

took no part in the engagement; does not know any of the prisoners. Cross-examined.—The chapel is half a mile from witness's house; went at six in the evening, hearing the parties were to meet; would wish to support his religion; would lose his life for his religion, and was determined to die on the ground rather than be imposed upon; there were of witness's party upwards of three hundred, and he was determined to support them; there were fire arms among his party; was there an hour and a quarter; heard that the Orangemen must go that way; heard they were to wreck the chapel; did not hear that was their way home; saw some persons in the field; will not swear none of his party were in the field when the shots were fired; first shot was fired after the report of peace being made; heard then there was a peace made; did not see it; cannot say what party came to make peace; the peace was made before the quarrel; the field was forty or fifty yards from his party; saw one Protestant's funeral who was killed at Black-bridge, if he married a Protestant, that would be an *adulteration*; was examined at Dungannon; did not know the men of his party; knew some of them; there were a great many strangers.

Henry Mallon examined.—Was at Clonoe chapel on the 13th of July; between seven and eight o'clock in the evening, saw John O'Neill and Thomas Read shake hands; O'Neill returned, and Read shot him immediately with a gun; Read had a gun with him when he shook hands with O'Neill; this was the second shot; the first shot was fired in the air; it was by the Protestant party; some minutes

elapsed between the two shots; O'Neill had not joined his own party, before he was fired at; he was about half the road returning back; he ran a few yards before he fell.—Edward Develin deposed to the same effect.

For the defence there was produced, John Karman,—Was with the Protestant party on the 13th July; it was always usual to walk on the 12th; that being on a Sunday this year, they walked on the 13th; they were coming to the Black-bridge on their way to Stewart's-town; there were above five hundred Roman Catholics on the hill above the chapel; when the Protestants appeared coming towards the bridge, the other party marched from the hill towards the bridge and seemed glad they saw them; there were not twenty guns in the Protestant party, whose number did not exceed fifty; Thos. Read was with them; he lived near the place, and had been brought from his own house, when the party were passing; he is a quiet decent man; does not believe he is an Orangeman; he is a religious man, and generally stays at home; there was a man of the name of Peak, a Roman Catholic, among them; he had been sent by his master, the Rev. Dr. Buck, as the Protestant party were intimidated, and wished to pass quietly; and it was thought right Mr. Peak should ask leave to pass: Read offered to go with him, saying he was sure no one would hurt him; they were directed by witness and Mr. M'Curdy to ask leave to pass; there was no dispute on either part; Read had a gun, which he gave to a man named Murdock; saw them go forward; Williamson and O'Neill

shook hands; saw a man make a thrust with a bayonet on a stick at Read; some of the old men of the other party were for peace, and were in front; a second thrust with a bayonet was made by another man at Read, and it was put aside by one of the Roman Catholic men who were for peace; the other party were still getting forward, and some turned into the fields; Read had no gun when he went forward; John O'Neill seemed to wish to keep peace, and said "if you keep back your party I'll keep back mine;" saw another O'Neill come forward with a stone-hammer and strike Edward Eldon, and knock him down; some said "fetter them with their Orange puddings;" immediately a shot was fired by the Roman Catholic party; this was the first shot fired; two more shots came after this, and Williamson fell as the two second shots were fired; until then the Protestants did not fire; a very short time before the Orangemen fired, saw Read give his gun to Murdock; never saw Read with a gun after this, and heard him complain he could not get his gun again.

In answer to the Court.—Went for the purpose of convoying those men home who were afraid on account of the number of Roman Catholics assembled at the chapel; advised the Protestant party to stop in Stewart's-town, which they declined doing, as their families were at home: if the Protestant party had been allowed to pass quietly, they would not have molested the other party: they appeared afraid from the number of the Roman Catholics.

John Farrell examined: Was not walking in procession; saw Read

and Doctor Buck's man go forward to the opposite party to solicit for peace; Read had no gun; the Roman Catholic party were five times as numerous as the other; the Roman Catholic party huzzed, and had white handkerchiefs on sticks; saw Williamson and O'Neill shake hands, and four or five of the Roman Catholic party advance in front, and go into a field at the left of the bridge, from which they fired. Williamson fell, before the Protestants fired a shot at the bridge; saw Read; he had not a gun. It was not the feeling of the Orange party to use force or do injury to the other party; from the rumours they heard, they did not know but the others would bounce out of the ditches upon them; they intended not to break the law, but only to defend themselves if attacked; Mr. Greer, a magistrate, gave them directions rather to put up with offence than break the law; they thought, if they advanced, there would be blood spilled, and therefore they stopped and wanted peace; there was no loading of guns that witness saw till they came to the bridge.

The Counsel for the prisoners here stated, that they had a number of other witnesses to the same effect, but thought it useless to waste the time of the Court, and closed the defence.

Baron Pennefather charged the jury. Henry Mallon said he saw the deceased O'Neill coming forward and shaking hands with the prisoner Read; that, on returning to go to his own party, he was immediately shot by Read, who had a gun, and that the shot which deprived O'Neill of his life, was the first shot fired: he then says it was the second shot; that

O'Neill had not joined his own party before he was shot, and that he saw him dead; that is the account given by this witness, and if true, no one could hesitate in pronouncing the prisoner, Read, guilty of the crime of murder. But consider if this be true. He does not attend the coroner's inquest, or swear any informations before a magistrate. He says he told this immediately after to priest Weanny, his parish priest; if so, is it to be contended that that gentleman in the discharge of his duty would have omitted bringing forward Mallon before the coroner, who, he says, was then doing his duty when the communication was so made. He says, he was well acquainted with O'Neill's family; and could it be supposed he would have been suffered to remain without coming forward? Daniel Corr, another witness for the prosecution, says, he saw the parties coming forward, and that they were armed on both sides, and that Williamson was the man who shook O'Neill by the hand. Is this the same kind of representation as that made by the witness Mallon?—The next witness, Catharine Quin, swears that she was at the battle; that she saw John O'Neill coming from the Roman Catholics; that she did not know any one else; that she heard a shot four or five minutes after the shaking hands, which was described to have taken place; that she saw the smoke, but did not see the gun; that she saw Thomas Read, who had a gun, and also the other prisoners. On the cross-examination of Mallon, he says he saw only one gun which was in the hands of O'Neill, and, although Quin was there, he did not see Mallon, and he does not say that the prisoners, Williamson

or M'Elindon, took any part in the transaction. It appears by the evidence on all sides, that the Orangemen had assembled to celebrate the anniversary of the 12th July, and were proceeding peaceably along the road; they had for many years meetings of a similar nature and for a like purpose on this particular day. Although I may at present find fault with such proceedings, I cannot help saying, that, as long as their appearance did not cause terror or affright, or was not the cause of alarming others, such meeting was not riotous or illegal. The law is anxious to provide against every thing that may tend to a breach of the peace—this meeting, such as it was, I consider legal. As stated by one of the witnesses for the prosecution, it appears large parties of Roman Catholics assembled to protect their chapel; that was legal: but if the real object was to prevent the Protestants from returning home, it was illegal, and the persons, by whom the Protestants fell, and those of their party, would be guilty of the crime of murder. There cannot be the slightest doubt, from what has appeared, that the meeting of the Protestants was legal, and that of the Roman Catholics illegal. The Protestants, having heard of this meeting of the Roman Catholics, and suspecting they meant to offer violence to some of their party, went to see a portion of their body home, and I cannot say it was illegal to carry arms to protect themselves.

The jury retired for one minute, and brought in a verdict of acquittal—Immediately afterwards, the three prisoners together with James Arbutnot and Hugh Gray,

were put on their trials for taking arms from Roman Catholics some days subsequently to the 13th of July, and were acquitted without the jury leaving the box.

DESTRUCTIVE FLOOD IN SCOTLAND.—In the beginning of this month, there were most destructive floods in some of the north eastern districts of Scotland. In the country round Aberdeen, the rivers were flooded to an extent at least equal to what can be remembered by the oldest person alive, and, a little below the bridge of Dee, the water rose eighteen inches higher than it did during the flood in 1799. In the Dee the rising of the water was first observed about four o'clock on Monday afternoon, the 3rd of August, and it continued to rise until about ten o'clock on Tuesday morning, when it remained nearly stationary for two or three hours, after which it receded with considerable rapidity. The number of sheep and lambs, and the quantity of timber, hay, straw, household furniture, &c., which floated down the river, was very great. The crops upon the haughs were almost entirely destroyed, and in many instances the soil was torn up to an incredible extent. The inundation in the river Don was equally formidable with that in the Dee.

The people were able to preserve only portions of their furniture, and many dwelling-houses were inundated. So great was the rapidity with which the flood in the Spey came down, that a man of the name of Cruickshank, a merchant in Aberlour, who was on one of the haughs at the time, was obliged to fly to a tree for refuge. He remained in the tree for about five hours, uttering the most heart-rending cries for that assistance

which could not be yielded to him, and he was at last borne down by the torrent.

At Banff, the whole lower apartments of the houses round the market-place, and to within a few houses of the top of Bridge-street, were full of water. The torrent swept away part of lord Fife's strong garden-wall, and some other buildings at the back of the market-place; and they raged with such violence as to excavate a large gulf in the turnpike-road: so that, on the arrival of the south mail at the spot, the horses plunged in and were drowned. The loss of property in grocers' shops and private houses was very great; on the banks of the river the growing crops were destroyed, large trees torn up, and cattle carried away. On Tuesday the road to the bridge of Banff was impassable. At Montrose, a considerable quantity of cloth and yarns was carried off by the flood from the bleachfield of Messrs. Maberly and Co. Other manufacturers in the same place suffered to a still greater extent.

A Mr. Wm. Williamson was drowned in the burn of Ton on Tuesday morning. Mr. Williamson was riding along the road between Kemnay and Monymusk, when his horse took fright at some wreck floating on the road, which, as well as the bridge, was completely flooded by the swelling of the burn. The horse leaped over the embankment at the end of the bridge, and Mr. Williamson sunk. The schoolmaster of Glenbucket was also drowned in attempting to ford the Don upon Monday; and a man lost his life by falling overboard from a boat while crossing the Findhorn on Tuesday.

Round Elgin, nothing was to

be seen but desolation—large trees uprooted—their branches broken—the gardens prematurely stripped of almost all their fruit—extensive fields of corn, nearly ripe, prostrate with the earth, and in many instances entirely under water. The river Lossie, which runs betwixt Bishopmill and Elgin, overflowed its banks to an extent which has not been paralleled within the memory of man.

Between Sheriffmill and Gallowhill there was nothing to be seen during the whole of Tuesday but one vast expanse of water.

The town of Oldmills was literally surrounded with water to such a depth that a boat sailed a considerable part of the day round about it, rescuing pigs and other live stock from a watery grave.

The bridge of Bishopmill, which was the medium of all intercourse between that village and Elgin, was entirely destroyed on Tuesday by the impetuosity of the river.

From the top of Bareflat-hill, the vast extent of level land, stretching from Leuchars, including Wester Calcots, in the direction of Pitgaveny, and Loch of Spynie, was one vast expanse of water, excepting in those places where the foliage of trees was to be seen. If the Lossie, after going through the Loch of Spynie, had not fortunately broken out at the canal, it would, by one fell sweep, have destroyed the whole of the fishing district of the village of Lossiemouth.

Turning from the river Lossie to that of Findhorn, the disasters were equally numerous. The Lee-bridge on the Forres Burn was also demolished by the force of that usually small river. In several

houses in the neighbourhood of Forres the lives of the inmates were in such jeopardy, that no assistance could be given them but by boats. The slated roof of the mill of Cothall was carried down the river entire, and had it not been for the devastation witnessed all around, there would have been diversion in seeing a great number of rats, which were carried along with it, running about the floating wreck, evidently in a state of the most dreadful alarm, and yet having such an instinctive dread of the water as not to jump into it. In the neighbourhood of Forres no fewer than six boats were employed the whole of Tuesday, rescuing human beings, horses, cattle, &c. from the destruction which so imminently threatened them.

The burn which runs by the village of Longbride, about three miles eastward of Elgin, although usually scarcely one foot in depth, spread desolation to a great extent among the corn fields adjoining its banks; and a man of the name of Proctor, residing in Longbride, in attempting to cross the swollen burn, was carried away by it, and unfortunately drowned.

Proceeding upwards to the river Spey, in the neighbourhood of Craigellachie and Rothes, the destruction of houses and other property was still greater. The Rothes bridge was broken down, and many houses laid in ruins; and to such a height had the water attained on the adjacent farms, that a Mrs. Riach escaped drowning only by getting on the roof of her house. The splendid bridge, which, between Rothes and Fochabers, crossed the Spey, was destroyed. This bridge was erected in

1801-4, at the expense of upwards of 14,000*l*. A few moments before it fell about forty persons were standing on it; but, signs of its giving way having been observed, they all escaped, with the exception of a young lad, a son of the toll keeper, who, being lame, and unable to move without the use of crutches, fell with the bridge, and was instantly drowned.

The destruction of the feathered tribe, of almost every species, occasioned by the storms, and rains, was uncommonly great. The woods and plantations in some parts were strewed with them. Even the rooks were so much exhausted and injured, that on Tuesday, when the rains had ceased, immense numbers allowed themselves to be taken, without attempting to escape. Partridges, grouse, &c. also suffered to a great extent.

The destruction of lives and property at sea was also painfully great. On Wednesday morning two bodies were cast ashore on the sea beach near Speyslaw, which having been carried to the parish church, Urquhart, one of them, of the name of Winchester, was claimed by his relations in Lossiemouth.

In the Loch of Spynie four entire farms in the Waterly Mains of Duffus were lying completely under water. In the district of country in and about Grantown, several bridges were broken down, and a great quantity of property either entirely destroyed, or greatly damaged. Some of the small rivers in the part of the country adjacent to Rothiemay rose fifteen feet above their usual height, while black cattle, sheep, pigs, and other descriptions of property, ani-

mate and inanimate, were ever and anon seen floating down them.

In the middle of the street of Kintore, the water had acquired such a depth, that the stage coaches were almost drowned in wading through it. The water was four feet deep in the inside of houses, and several boats were sailing along the street endeavouring to save furniture.

INVERNESS. — RENEWAL OF FLOODS IN SCOTLAND. — On Thursday, August 20, so much rain fell that the swelling of the streams was greater than during the storm by which the country was deluged on the 3rd and 4th. The bridge over the river in the royal burgh of Nairn, the bridge opposite the Kilravock and Holm, the bridges at Craggie, Anchnahault, Castlehill, and Dochfour, two bridges at Urquhart, a bridge of two arches at Mid Lairgs, and several others, which stood firm during the last floods, yielded to the present, and scarcely any withstood the strength of the torrents. The River Ness was considerably higher than on the 3rd and 4th current, and brought down quantities of corn, wood, &c.:—the stream, by its muddy colour, showing that much soil had been also carried away from its banks.—The coast mail coach from Fochabers, having left Fochabers at four p. m., got forward without any interruption to the Spey, where, in consequence of the boisterous rapidity of the torrent, sweeping along with it corn and wood in great abundance, the boatmen were with difficulty prevailed on to ferry the guard across. They stated their determination not to venture again, while the current remained so strong. The Find-

horn and Burn of Forres, having overflowed all the intermediate lands, formed a sheet of water of many miles extent, which very nearly reached the shambles of Forres. The tenants were everywhere seen abandoning their houses, and wading through the water to save their furniture. On his way to the Findhorn the guard of the mail called on Mr. Davidson, who resides about two miles to the eastward of that river; he accompanied the guard, and promptly procured six men to carry the mails across the river, which was done with scarcely any detention, although the ebbing current was fearfully strong. Four of Mr. Davidson's men then volunteered their services, and carried the bags on their backs to Earnhill, where the guard procured a horse and cart, in which he proceeded to Dyke; there the Rev. Mr. Anken was waiting in readiness with his servants and several lights, to assist to forward the mail. One of the servants from the Manse waded before the cart for upwards of a mile, the water covering the road, in many places, to the depth of three feet. At Auldearn the guard was met by the rev. Mr. Barclay, who informed him that the bridge at Nairn had been swept away. After a most boisterous night the cart arrived opposite to Nairn, where, the guard blowing his horn, several persons instantly came forward and advised him not to attempt to cross the bridge, a great part of it having fallen; finding it, however, impossible to get a boat, he drove the cart back to Auldearn, where he remained till three o'clock in the morning, when he again set out on his way to Inverness; and, there being still from two to three feet in breadth of

the bridge standing, he with great peril passed it. The river Nairn overflowed its banks from eighteen to twenty-four inches higher than during the storm of the 3rd, and great apprehensions were entertained that the bridge of Daviot would have been swept away, although founded on a rock considerably beyond the usual height of the water. If this bridge had been carried away, the communication to the south by this road, at least for carriages and carts, would have been completely cut off, as there is no place within four miles of the Highland road where the river is fordable. All the temporary bridges, erected since the last flood, fell before the present; and the cultivated fields, which had been only partially injured, on the river's banks, were completely destroyed. The breaches, which the river had made in the dykes and embankments, not having been repaired, the way was clear for the water, which rushed forward with astonishing rapidity, carrying every thing before it. Again did the unfortunate tenants of Rosefields, Kildrummie, and Allanha, see the river devastating their fields, without being able to offer the smallest obstruction. At Faillie the water covered the farms; on the whole of the lands of Contray and Kilravock, the havoc was immense. The mill at Couldoich was carried off, and the miller's crop destroyed. At Daltulich, the Nairn carried away a quantity of corn and corn land; and from forty to fifty trees, a little below that place, were swept off, the banks having also fallen before the violence of the stream. Cattle were observed floating down the stream, together with wood, furniture, &c.—The Spey rolled along in

awful majesty, and some of the finest fields on the farms of Culnskyle, Burchfield, Gartenmore, Bellforth, Ballintomb, Craggan, and Kirktown, were destroyed. — The Findhorn (a stream which, in rapidity and destructiveness, is not surpassed in Scotland) destroyed so much on the 3rd and 4th current, that little was left for the torrent to carry off; but that little was swept away. Its banks were overflowed to a great extent; and, if there had been any bridges left by the preceding flood, they would, unquestionably, have fallen before the fury of the present.

SEPTEMBER.

HYDROPHOBIA.—On Tuesday, the 9th of June last, Mr. Hervey received a slight wound on the cheek from a house dog, which he kept chained in the yard; but the hurt was so trifling, that no notice was taken of it at the time. The following morning Mr. Hervey went forward to the dog to caress and fondle him, as was his custom, when the animal immediately seized him by the fleshy part of the arm, inflicting a large and painful wound; and it was with the greatest difficulty and exertion that Mr. Hervey could extricate himself from the dog, as the animal continued to hold fast by the first gripe he had taken. Mr. Hervey lost no time in repairing to Belfast, and waiting on Dr. Purdon, who cut the wounded part out of the arm; on the next day the cheek was cauterised. The dog was killed immediately, so that it was not actually ascertained, whether the animal was in a rabid state or not. Nothing particular occurred till Tuesday, the

1st of September, twelve weeks from the date of the first wound. On that morning his friend Mr. Miller, called upon him, to take a seat in his gig to Belfast. Mr. Hervey's face seemed redder than ordinary. After taking a slight breakfast, the two friends set out for Belfast; and on the road Mr. Hervey appeared in good spirits. They called at the Lagan Foundry, where they spent an hour, and agreed to return at four o'clock and dine with Mr. Coates. Before dinner they went into the garden, and, while there, Mr. Hervey ate a considerable quantity of fruit, which disordered his stomach, in consequence of which he took very little dinner. Mr. Miller and Mr. Hervey left Mr. Coates about six in the evening to return home. On the way, Mr. Hervey complained of being very ill, and was seized with a severe hiccapping. He at length became so ill that he requested his friend to drive for him, telling him that for more than three weeks past he had not slept well, and that his rest was broken by the most frightful dreams. Shortly after his arrival at home, Mr. Hervey went to bed. In the course of the night he became extremely ill—he got out of bed, and went towards the water jug, for the purpose of cleansing his mouth, when to his astonishment, he could not look at the water, nor approach it, though he made several efforts to do so. He was now sensible of his situation, and retired to bed. At eight o'clock breakfast was brought to him by his aunt, but this he returned untasted. The lady, about an hour afterwards, offered him some whey, which he had requested her to prepare; but he shuddered, and desired it to be removed, as he

could not bear its appearance. He then desired Mr. Miller to be sent for, who repaired to him immediately. "Miller," said he, "I am a gone man; I find all the symptoms of that dreadful disease confirmed on me." He could talk of water without the smallest concern; but he seemed totally at a loss to account for the appearance of it giving him so much uneasiness and horror. Having put his hands to his chin and found his beard long, he asked Mr. Miller if he thought he could shave himself. Mr. Miller, fearing that his hand would not be steady enough, proposed that the operation should be done by another person. The application of the soap to the face of the patient made him shudder with involuntary dread; but after preparing himself and shutting his eyes, he was at last able to allow the operation to proceed. Whenever the razor touched his face a slight shudder succeeded. During the night, he tried to take some milk; but he felt a slight shock on touching it. He was at length able to take two or three sips; when, suddenly raising himself up in bed, and speaking very rapidly he said he was choking, and cried out for the door to be opened; but no sooner was this done, than he exclaimed, "Oh shut—shut—shut—the air, the cold air—I cannot bear it!" He shortly afterwards took a little morphine dropped on sugar. In a few minutes more, he called for one of his friends, and requested him to hold his head, that he might try to sleep. In about three minutes afterwards he was seized with a spasm, accompanied by horrid distortions of countenance. Mr. Miller rushed from the bed in an agony of horror, and

had only strength sufficient to tell Mr. M'Cullough to take his place. Instantly Mr. Hervey jumped up in bed, crying to his horror-struck friends, "I see you, boys—I see you boys!" and then mastering his excruciating agony by a powerful effort, he continued, in a calm but scarcely less terrific tone: "It is all over—call the house—send for the doctor." His friends gazed in speechless horror for a few seconds, and the silence was at last broken by the unfortunate sufferer, who, observing that they were making a movement as if to leave the room, called out, "Miller, Miller, do not leave me—be a man; 'tis over, and I am again quite collected; do not be frightened—depend on it I will not harm you." "No, my dear Hervey," replied the other, "I will not leave you. I have promised to stay with you to the last; and cost what it may, I will keep my word." His friends, being now somewhat recovered from their fright, asked where the men slept. He immediately answered, "Above stairs," and desired Mr. Miller to call them. When that gentleman left the room, Mr. Hervey said to Mr. M'Cullough that he would come out of the bed. This Mr. M'Cullough protested against; and the other immediately replied, "You are right; but, for God's sake, do not leave me, I am perfectly in my senses; but oh! that dreadful torment is beyond the power of man to bear. If you leave me, I cannot prevent myself from jumping out of the window." His friend assured him he would not leave him, and requested him to lie down. He replied with much vehemence "Oh do not ask me, do not ask!" but immediately adding, "Sure you are not afraid

of me; indeed, you need not be afraid." His friend protesting that he was not, he held out his hand with an affectionate look: "Shake hands with me," said he; and then grasping Mr. M'Cullough's hand, he blessed him. In a moment he became perfectly calm; his voice resuming its usual tone, and his countenance its wonted serenity. By this time Mr. Miller had returned. His aunt and a young lady came into the room. He shook them both affectionately by the hand, and said, "I would be glad to kiss you: but dare not, for fear of consequences." Shortly afterwards, the fits became more frequent, and he requested Mr. M'Cullough and Mr. Miller to hold his hands. Every attack now continued longer, and appeared more severe. At about past one o'clock, he said he felt a curious sensation in his limbs, as if he were pricked with the finest needles; he said it was altogether a most delightful sensation. His nerves became most sensitive. The least noise in the room—a change in the light of the candle—the moving of a shadow on the wall—a relaxation or compression of the hands of those that held him, gave him the most excruciating pain, and he would exclaim, with a heart-rending voice, that it was cruel so to use him. Shortly after this, the saliva began to make a noise in his throat; he lost his voice; but he showed by significant gestures, that he was perfectly aware of all that was passing around him. As the fits came on him, he appeared to place himself in such a position as if he wished to rest on his head and heels, while his body moved quickly up and down, accompanying the motion with an agonizing

groan. These fits at length ceased, and he lay from ten to fifteen minutes so still, that all, except those in the bed-room with him, supposed he was either dead or dying. Suddenly, with a voice loud and strong, as if in perfect health, he exclaimed, "Here boys, do your duty." The awful moment, which he had dreaded and vainly hoped to escape, had come. He instantly became dreadfully convulsed, every muscle was distended to the utmost stretch, while the spasms, commencing at his stomach, seemed to roll up like a large mass to his throat, and the breath rattled hideously, as if vainly seeking a vent. Mr. M'Cullough and Mr. Miller immediately seized his wrists, while a clergyman who was present laid himself across him. He struggled dreadfully and appeared to wish to get out of bed. He screamed with the most appalling agony, and called for Dr. O'Neil to cut his jugular vein; beseeching his friends about him to put an end to his horrible torment, if they had the smallest spark of pity remaining in them. Some of his labourers came in and assisted in holding him down. So intolerable was the agony of the sufferer, that he threatened to bite those who held him, if they did not kill him or let him up. Fearing that the courage of the men might fail, Mr. Miller called on them to remain firm, if they valued their existence. Hearing this, the tortured sufferer exclaimed, "Miller, you savage, I will never forgive you!" He continued beseeching those about him to put an end to his pain; when finding all ineffectual, he cried out, "If ever the soul be allowed to haunt those who have

done them wrong, I will return and torment you all." He then ceased shouting, but he was heard to say three or four times in an under tone, "Severe, terrible!" in a manner that showed he was perfectly sensible. His voice began to change, as if he were suffocated; he could articulate nothing, but he frequently pressed the hands of his friends, as if intimating his gratitude for their having fulfilled the arduous task he had assigned them. At twenty minutes to four, squeezing the hand of one of his friends, and breathing his name, he expired.

BELGIAN PAPISTS.—The Papists of Flanders have laid the foundation of a "Catholic question." The Belgian Papists, by the letter of their fundamental code [*grandi-vet*], of 1815, are eligible to all offices and to the Representative Chambers; and by a late exemption in their favour, they are not compelled to resort for education to the national colleges, which is made indispensable upon all others looking for employment in the public service: finally, in Brabant and generally through all that part of Belgium which was not under the government of the united provinces, they have exclusive possession of the churches, and all municipal authority is in their hands. And still they have a "Catholic question," which they decently and with great loyalty urge by a reference to their late connexion with France. The grievance, of which they now complain, is the interdict upon Jesuit schools—an interdict sanctioned by the practice of Spain, Portugal, Austria, Bavaria, and many Roman Catholic countries, as well as by the policy of France.

PIRACY AND MURDER.—Mr.

Charles Fayle arrived by the *Ann* from St. Thomas's in this port. He was a passenger in the brig *Irlam*, Captain Campbell, from Liverpool, bound to St. Vincent's: and, on the 4th ult. about 500 miles S.W. of Madeira, at half-past six p. m., the *Irlam* was boarded by a brigantine under French colours. She sent four boats alongside, with nearly 20 men in each. The most insulting conduct was pursued to every person on board; the sister of Capt. Campbell, about 16 years of age, was stabbed to the heart, and, with her servant a negro, was tossed over board. Three of the crew were murdered, and the cook and carpenter were taken out of the vessel: the pirate, after cutting the main and fore shrouds, scuttled the vessel, took out 85 casks of flour, 40 or 50 casks of pork and beef, seven casks of water and all the live stock, and stove in a cask and a half of water, the only remaining part of that necessity left on board. The Captain was stabbed in about four or five places and escaped only by turning himself about to avoid the fatal blow; he lay upon the deck for some time, and the surviving crew thought he was dead. The pirates plundered the passenger of 38 doubloons, with some other cash, and all his wearing apparel, &c.; but from the state of drunkenness in which they were, he escaped with his life. They demanded wine as soon as they came on board. Next morning, falling in with the brig *Agenora*, bound to St. Lucia, they found that the pirate had boarded her and plundered her of provisions and water, but had not touched any of the crew. The pirate had a man on board, who had belonged to

the Mary of Bristol, whose crew, he stated, they had murdered off the Cape De Verd Islands, and who reported to the captain that he was among them contrary to his consent, for the purpose of saving his own life.—*Jamaica Cornwall Chronicle*.

STATE OF THE COUNTY OF TIPPERARY—IMPORTANT MEETING OF MAGISTRATES.—One of the most important meetings, ever held in this county, assembled in Thurles, pursuant to requisition, to take into consideration the present state of the country, and to adopt such measures to restore tranquillity and good order as the exigency of the times demanded. The Earl of Llandaff, the Marquis of Ormonde, and the hon. F. A. Prittie, one of the county members, arrived before 12; at which period nearly 70 magistrates, besides a vast number of the gentry of the county who were not in the commission, and the leading landed proprietors of the adjoining county of Kilkenney, had assembled. At about half-past twelve o'clock, the High Sheriff, accompanied by the Marquis of Ormonde, the Earl of Llandaff, the honourable F. A. Prittie, and upwards of seventy magistrates, proceeded to the Sessions House.

The High Sheriff having taken the chair, a message was sent to Sir John Byng, who, accompanied by Major Gen. Sir Thos. Arbuthnot, the commander of the district, was at the inn, requesting their attendance at the meeting. As soon as the gallant generals had taken their seats, the High Sheriff opened the proceedings. The Earl of Llandaff addressed the meeting and concluded by moving the adoption of the following resolutions:—

“That in consequence of the disturbances which have prevailed in this county for the last three years, several meetings of the magistrates have been held within that period for the purpose of considering the means best calculated to arrest their progress.”

“That at these meetings it was resolved unanimously, that the means and powers afforded by the existing laws were insufficient, and that the state of the country was such as to call for the renewal and application of the Insurrection Act.”

“That, since the transmission of our last memorial, dated 20th October, 1827, on this subject, to the Lord-lieutenant, notwithstanding the rewards offered by his excellency for the discovery and apprehension of offenders, and the united efforts of the magistrates and local authorities to restore tranquillity, the system of outrage and daring opposition to the laws has increased, and continues to increase, to an alarming extent.

“That a great portion of the commonalty are in possession of unlicensed arms, and that bodies of armed men have appeared lately on several occasions at noon-day, for the purpose of obstructing the execution of the laws, and threatening the lives and properties of all who are opposed to their unlawful proceedings.

“That such is the demoralization of the lower classes, such their confederacy, and such the prevailing system of terror, that all endeavours to procure information to convict and bring offenders to justice are vain and futile.

“That it is our firm persuasion that the existing evils call for the application of strong and vigorous measures, and that the Insurrection Act, or some such measure, is

best calculated to restore order and tranquillity.

“That, in consequence of the quantity of hidden arms in this county, and the difficulty, if not impossibility, of obtaining information by means of which they could be discovered, it would be advisable to amend the Arms’ Act, making the possession of unlicensed arms a transportable felony—giving all proper facility to the right of search, and limiting within proper restrictions the privilege of keeping arms at all.

“That it would be expedient at the present juncture to establish military posts throughout the county, to augment the police stations, as a measure calculated to prevent the further extension of the existing system of outrage, though at the same time we are firmly persuaded and convinced, that no means short of the one we have already recommended will prove efficacious in the present calamitous state of this country.

“That a respectful memorial founded on these resolutions be forthwith transmitted to his Excellency the Lord Lieutenant.”

The hon. F. A. Prittie, M. P., seconded the propositions.

Sir John Byng said, that the government were ready to give all the aid in their power to put down the spirit of insubordination which existed—but a great many obstacles presented themselves to the plan alluded to of distributing small military detachments throughout the country.

Mr. Minnet described the lamentable state to which the barony of Lower Ormond was reduced, and concluded by informing the meeting, that there was not a Protestant yeoman or respectable farmer, for a space of thirty-five miles

along the banks of the Shannon, who had not been deprived of his arms.

The resolutions were then put, *seriatim*, and passed unanimously with the exception of two,—that calling for the extension of the Insurrection Act having, out of seventy-five magistrates who were present, five opponents—while the resolution calling for the distribution of troops met with but one opponent.

In consequence of the above resolutions, the following official communication from the Under-Secretary of State, Mr. Gregory, was addressed to Matthew Jacob, Esq., High-Sheriff of the county of Tipperary.—

“Dublin Castle, Sept. 16.

“Sir,—I have had the honour to receive and transmit to the Lord-lieutenant your letter of the 7th instant, transmitting the resolutions adopted at the meeting of the magistrates of the county of Tipperary, assembled at Thurles on that day. The measure which has been adopted by his grace, of bringing the civil authorities of the country into immediate communication with the commander of the forces, and the appointment of stipendiary magistrates for the assistance of the resident magistracy, fully evince the anxious desire of his grace to support, as far as lies in the power of government, those exertions for the suppression of the disturbances which have prevailed in several districts of the county of Tipperary. I am directed to convey the assurance that his grace will direct his immediate and earnest attention to such of the measures recommended by the magistrates assembled as depend upon his grace for their present application to the existing

evil. I am also directed to express the readiness of his grace to meet the wishes of the magistrates for the augmentation of the police stations to such extent as may be found expedient. His grace will carefully consider, and communicate in detail the result of his deliberations upon the specific recommendations of the magistrates. With regard to the disposition of the military, I am directed at present to observe, that some of them have already been carried into effect, or are in progress; and none of the suggestions which have been submitted to his grace will escape his earnest and immediate attention. With respect to measures which require the sanction of parliament for their adoption, his grace will not omit fully to communicate to the members of his majesty's government, by whom the introduction of any such measures must be conducted, the views which are entertained by the large and respectable body of magistrates who assented to the resolutions of the meeting. With respect, however, to the Insurrection Act, his grace that feels nothing but the increase and extension of the existing evil, and the proved failure of the conjoint exertions of the civil and military authorities under the existing law, could justify him in adding to this communication of the views of the magistracy the sanction of his recommendation or support. I am directed to repeat the expression of his grace's confident hope that the efforts which he anticipates on the part of the magistracy, aided by those of government, will shortly diminish the extent and atrocity of the disturbances; and, at no distant period, free the county of Tipperary from the evil and disgrace

which must attach to their continuance. The suggestions of the magistrates with reference to the Arms' Act will engage his grace's best attention."

The following letter was addressed to the Sheriff by the military Secretary of the commander-in-chief:—

*"Royal Hospital, Dublin,
Sept. 16.*

"Sir,—I have the honour to acquaint you, by desire of Lieutenant-general sir John Byng, that he would have given an earlier reply to your letter of the 7th instant, but that the proposed arrangement for permitting military parties to meet the magistrates making the requisitions, at given points, to which they would be guided by constables (who would deliver the requisitions signed by the magistrates themselves), is at variance with the general orders for the guidance of the army in Ireland, and as these orders were framed with the sanction and concurrence of the Irish government, the Lieutenant-general felt that he could not with propriety admit of any such deviation from them, without the previous assent of the lord-Lieutenant; but that having now received his excellency's approval, he has no objection whatever to agree to the arrangement in question, being desirous of affording every possible facility to the magistrates of the county of Tipperary in the preservation of the public peace; and the necessary communication having been made to major general sir Edward Blakeney on the subject, sir John Byng requests you will have the goodness, on your part, to make the plan adopted known to all persons concerned."

9. ENGLISH OPERA HOUSE.—

A musical drama, called "The Recruit," was produced at this theatre. The scene is laid in Switzerland, at the time of the invasion of that country by the French Republic. Ritzler, a brave Swiss, and leader of a mountain band, after vain endeavours to defend his country against the French, surrenders himself in despair to the enemy, and consents to join their ranks. On obtaining leave of absence for a limited period, he returns to his home, and acquaints Agnes, his wife, with the step he has taken. She endeavours in vain to induce her husband to break his promise of returning to the French army, and, being determined, at all risks, to thwart his purpose, administers to him a potion which lulls him into a profound sleep till his leave of absence has expired. Petard with a detachment of soldiers proceeding to the house of Ritzler, Agnes descries them at a distance, and, when they are on the point of entering the house, informs her husband that Petard had, during his absence, made attempts on her virtue. The indignant husband fires at the party; Petard falls, and rolls down the rocks apparently mortally wounded. Another division is sent in pursuit of the deserter, who is at last taken and condemned to death for the murder of Petard. It turns out, however, that Petard was not at all injured, but had purposely kept out of the way till the execution should be over, in order to be revenged on Ritzler. This is discovered through the means of Frankhausen; and Agnes, with his assistance and that of her sister Elise, surprises him in his hiding-place, and brings him a prisoner before the commanding officer, at the moment her husband is about

to be executed. His life, consequently, is spared, and, while the husband and wife are congratulating each other, the curtain drops.

10. COLOGNE.—For the first time for these 250 years was the English flag seen flying in this port. The English schooner, commanded by capt. Milne, which sailed from London on the 19th of last month by way of trial, having been detained, according to some, by contrary winds, or, as others say, by being delayed in the Waal, arrived here yesterday evening, and orders were immediately given to land her cargo.

15. EPSOM.—This night at a quarter to eleven, the heavens presented a singularly beautiful and extraordinary appearance. The moon was very bright, but, in a regular circle, a dense cloud surrounded her to a considerable distance; in a few moments, a distinct light was visible exactly right and left of the edge of this circle; for a while it spread out pointedly in its horizontal line, and gradually the light on the right hand assumed the colours of the rainbow; immediately after, there was a transcendent brilliancy about the moon, forming itself into a broad ray above, below, and to the right and left of her disc, showing itself on the dark mass behind, in the precise form of a crucifix; by this time the colours of the rainbow had partially faded on the right hand, and were gradually appearing on the left—there they lasted at least four minutes, while the crucifix vanished.

MR. GURNEY'S STEAM-CARRIAGE.—The present differs from the earlier carriage, besides several minor improvements of the machinery, in having no propellers, and in having only four wheels

instead of six, the apparatus for guiding being applied immediately to the two fore-wheels, bearing a part of the weight, instead of there being two extra leading wheels which bore little or none. Whilst the wheels obey the slightest motion of the hand, a trifling pressure of the foot keeps them steady, however rough the ground. To the hind axle, which is very strong, and bent into two cranks of nine inches radius, at right angles to each other, is applied the propelling power by means of pistons from two horizontal cylinders. By this contrivance, and a peculiar mode of admitting the steam to the cylinders, Mr. Gurney preserves uniformity of action; constantly having one cylinder on full pressure, whilst the other is on the reduced expansive. The dead points—that is, those in which the piston has no effect, from being in the same right line with its crank—are also cleared by the same means. For as the cranks are at right angles, when one piston is at a dead point, the other has a position of maximum effect, and is then urged by full steam power; but no sooner has the former passed the dead point, than an expansion-valve opens on it with full steam, and closes on the latter. Firmly fixed to the extremities of the axle, and at right angles to it, are the two ‘carriers’—(two strong irons extending each way to the felloes of the wheels). These irons may be bolted to the felloes of the wheels or not, or to the felloes of one wheel only. Thus the power applied to the axle is carried at once to the parts of the wheels of least stress—the circumference. By this artifice the wheels are required to be of no greater strength

and weight than ordinary carriage wheels; and, like them, they turn freely and independently on the axle; but one or both may be secured as part and parcel of the axle, as circumstances require. The carriage is subsequently propelled by the action of either or both hind-wheels, according as the power is applied to them jointly or separately, on the ground. Beneath the hind part drop two irons, with flat feet, called ‘shoe drags.’ A well-contrived apparatus, with a spindle passing up through a hollow cylinder, to which the guiding handle is affixed, enables the director to force one or both drags tight on the road, so as to retard the progress in a descent, or, if he please, to raise the wheels off the ground. The propulsive power of the wheels being by this means destroyed, the carriage is arrested in a yard or two, though going at the rate of eighteen or twenty miles an hour. On the right hand of the director lies the handle of the throttle-valve, by which he has the power of increasing or diminishing the supply of steam *ad libitum*, and hence of retarding or accelerating the carriage’s velocity. The whole carriage and machinery weigh about 16 cwt., and, with the full complement of water and coke, 20 or 22 cwt., of which about 16 cwt. lie on the hind wheels.

FIRE ESCAPE.—There was lately a private exhibition of a fire-escape, to be worked on the outside of houses on fire, without the agency or interference of the persons in danger. It is capable of being drawn by one horse. A pillar in the centre has, at its base, a joint, which admits of its being laid flat on the body of the carriage, so that it can be taken

within an ordinary court or archway. The pillar consists of a number of aliding tubes, on the plan of the construction of a telescope. When prepared for use, the pillar is elevated, and the sliding tubes caused to ascend by a wheel and pinions similar to that used in the common crane; the pillar is surmounted by a cradle, capable of containing two persons. It is intended that the machine shall be adapted so as to be removed with as much facility as a fire-engine, and to be worked by people attached to it, who are practised in its use. When the machine was shown, the cradle was elevated to the height of 40 feet, with 500 weight in it, and, at its extreme height, was, with ease, caused to project nine feet from the base. The inventor's intention is, to be enabled to send up an attendant of the machine to assist the persons in danger, who will return as soon as one person is safely landed, and so on, until he has removed every one in the house.

SYNOD OF ULSTER.—The Synod of Ulster have at length agreed upon the terms of a separation. This body has been composed of Calvinists and Unitarians, but the former were the great majority; and, for a considerable time past, there has been a struggle for the predominance of Calvinistic principles in the Synod, the congregations of which include the great body of the Dissenters in the north of Ireland. A conference was held in Belfast on Wednesday, between a committee nominated by the General Synod of Ulster, and a committee chosen by the remonstrants (Unitarians) against certain overtures enacted by the Synod in 1828. These committees were appointed in order to arrange the

terms of an amicable separation between their respective constituents, which had been considered absolutely necessary, owing to the distractions which have prevailed for a considerable time past at the meetings of the Synod. Although the Calvinists and Unitarians are opposed to each other in a primary point of doctrine, nevertheless, as Presbyterians, they submitted to the clerical discipline of the Synod; but, in consequence of the passing of the "overtures," or regulations for the examination of candidates for the ministry, and other obnoxious rules, the Unitarians remonstrated without effect, and finally resolved to separate. The remonstrants presented a minute of terms at the conference, which, after much discussion, and some modification at the instance of the Calvinistic party, was agreed to. The conditions of the agreement secure to the Unitarians the principal rights which they formerly enjoyed, so far as the Synodical funds are concerned; and, with regard to the royal bounty, or *regium donum*, which was the chief topic of discussion, the ministers of the existing remonstrant congregations are to obtain it in the usual manner; but their successors, and the ministers' new congregations, are not provided for in the conditions.

EXTRAORDINARY ACCIDENT.—*Manchester.*—On Tuesday evening a very singular accident happened in Cateaton-street. About six o'clock, the iron gas lamp-post, nearly opposite the door of the Blucher public-house, suddenly sunk down perpendicularly, to such a depth that the top of it only was visible above ground. A number of persons crowded round to look into the aperture caused by this

apparently inexplicable phenomenon. About three quarters of an hour afterwards a portion of the street, to an extent of about six square yards, and including the whole of the space in front of the shops of a grocer and a linen-draper, suddenly sunk to a depth of at least twenty feet! A mechanic, who was at the moment looking very intently into the aperture caused by the descent of the lamp-post, went down along with the rubbish, and received several cuts upon the forehead, but was not otherwise seriously injured. The common sewer passes to the river through Cateaton-street, immediately beneath the part which has fallen in; and as the sewer was not arched over, but was merely cut through the red soft stone or sand, which forms the substratum of that part of the town, it is supposed that the accident was occasioned by the street having become excavated by the constant passage of the water for a number of years. The body of water, which was forced through the sewer during the late very heavy rains, must also, no doubt, have tended, in a considerable degree, to promote the accident. The street, however, is built upon the site of the old Roman fosse, from which Hanging Ditch derives its name; and as the cavity appears to be of very considerable extent, it is not improbable that it may be of greater antiquity than the formation of the sewer.

15. OLD BAILEY.—CUSTOM-HOUSE FORGERY.—Richard Hubbard Jones, Thomas Maynard, and Joseph William West, were indicted for forging and uttering as true a counterfeit warrant or order for the payment of the sum of 1,979*l.*, with intent to defraud his

majesty. A second count stated the intent to be to defraud sir William Boothby, bart. and others.—Samuel Robert Ewer: I am clerk in the Comptroller-general's office. The papers produced were given to me on Saturday the 18th of April, between twelve and two o'clock in the day. I have no recollection of the person who presented them to me.—Edward Homan: I am assistant to the Comptroller-general, and the papers produced were brought to me, I think, by Maynard, but I cannot identify him. I marked the papers for payment with my initials, supposing them to be genuine. After I mark papers, the usual course is to go to the Treasury for payment. The Clerk of the Treasury, not having money, came to me for a check, which I gave him. After this fraud had been committed, I traced a 5*l.* note, which had been paid as part of the check, to a baker of the name of Bristow. The note produced is the one I traced. The name of Maynard is on the note.—John Crocksford: I am in the Comptroller-general's office, in the Treasury department, and the papers produced were presented to me on the 18th of April last for payment; I requested the person who brought them to put his name to them, and asked him, why he had not done so; he immediately wrote the name of Thomas Maynard upon it. I think the prisoner Maynard is the man who brought the papers. I got a check on the Bank of England, which I gave him, and he went away. The papers are usually taken to be countersigned by the Comptroller-general. Cross-examined—I am by no means positive as to his identity, but I believe him to be the man.—George Jones: I am clerk in the office of the Comp-

troller-general. I remember the warrant being brought in on the 18th of April, for the payment of 1,973*l*. It was given to a person named Muir; and while he was entering it in a book, I had an opportunity of observing the person who brought it. I believe the prisoner Maynard to be the man. The prisoner Jones was a clerk in the same office as myself, and had access to the books. William Dickinson stated the usual course of proceeding in the payment of the warrants. It was the duty of the prisoner Jones, to report to the principal of the department the business of the office. It was the witness's duty, or that of the chief clerk, to countersign those warrants before they left the office. The witness had no recollection of the persons who brought the warrant to be signed, but his signature was to it.—Charles Williams, whose department in the Custom-house is that of northern clerk, swore, that the initials to the order produced were his.—Three of the commissioners of Customs, whose names were subscribed to the warrant, deposed that the signatures were of their writing.—William Ensworth: I am collector of Customs at the port of Fowey, in Cornwall, and my signature to this warrant is not my writing.—Henry Samuel Nash: I am a clerk in the Bank of England, and paid the check produced on the 18th of April, or rather I gave two tickets for the payment of it in two different offices in the Bank. The prisoner Maynard bears some resemblance to the person who presented it, but I cannot swear to him.—William Hickman: I paid the ticket A to two persons, and I think Maynard was one of them; of the other I have no recollection.

I asked the person who presented it how he would wish it paid, and he said in two 500*l*. notes, nine 100*l*. one 50*l*. and the remainder in small notes. The two 500*l*. notes were dated the 6th of April, and the 100*l*. notes were dated the 11th of April. The note produced is one of them.—Thomas Benjamin Kingston: I am a clerk in the Teller's Office, and paid sovereigns on the 18th of April for two 500*l*. notes and a 50*l*. I should think, by the size and height, that the prisoner Jones was the person who presented them. The numbers of the notes were 2,536 and 2,537.—Jeffrey Taylor: I was the first person who had a suspicion of the forgery. I am a clerk in the office of the Comptroller-general. I know Jones. This forgery was frequently the subject of conversation in the office. It was generally known that the notes were stopped at the Bank, and the prisoner must have known it as well others.—John Grove: I am a clerk in the banking house of Masterman and Co. Jones, on the 27th of April, opened an account at our office, by depositing 758*l*. in gold. That sum has since been drawn out.—William Pool Maugur: In 1828 I knew Jones to be in difficulties. The amount I paid for him was 100*l*. part of which was given to me by a relative of his, and part was deducted from his own salary. I saw him in June, and he told me, his wife had been left by a relative the sum of 700*l*. and a piano.—John Dean, a music-seller: on the 25th of April the prisoner purchased a piano forte of me for 19*l*., for which he paid me in sovereigns.—Salmon, the Bow-street officer, deposed he apprehended the prisoner Jones on the 13th of August, at No. 59, Judd-street. Searched his

lodgings, and found the papers produced. His wife was present.—George Watson deposed that he was servant to Mr. Hamlett the jeweller. The prisoner Jones called at Mr. Hamlett's shop on the 10th of August, made purchases, and tendered a 100*l.* note.—Mr. Bull, Mr. Hamlett's clerk, identified the note, and added that the prisoner was the person who paid it to him.—Smith, the Bow-street officer, deposed to his having watched a house at Walworth and another at Hoxton, from the latter of which he saw West and his wife and children depart in a hackney coach. Pursued them to Taunton, and took West and Maynard there, at the Black Horse public-house. This was on the 29th of August. Maynard had 280*l.* in notes in his possession.—Edward Bushell deposed that he was an ironmonger; that he knew Maynard and West, and that he was well acquainted with their writing; believed the body of the forged order or precept to be in West's hand-writing. The name, Thomas Maynard, on the back part of the precept, was written by that prisoner.

Witnesses swore that Bushell was a common procurer of bail, and was not to be believed upon his oath.

The jury after deliberating three quarters of an hour returned into court, with a verdict finding Jones and Maynard *Guilty*, the former as accessory before the fact, and the latter of uttering; but acquitting West.

17. OLD BAILEY.—Robert Carter, aged 45. Elizabeth Carter (his wife), aged 41, and Robert (their son), aged 18, were indicted for stealing a 25*l.* Bank of England note, and other notes, the property of Dr. Richard Farre;

other counts alleged the notes to be the property of Johanna O'Keefe, and others of the Archbishop of Canterbury.

Robert Carter, the elder, was also indicted for receiving a Bank note of 30*l.* one of 20*l.*, and two of 5*l.*, well knowing the same to be stolen.

The circumstances of the case, as they were detailed on the part of the prosecution, were as follows. Dr. Farre, of Charter-house-square, was the nephew and executor of a Mrs. O'Keefe, deceased, who had lodged in Carter's house. Mrs. O'Keefe died on the 8th of June last, possessed of Bank-notes for 225*l.* which were locked in a writing-desk, with other money and a bill; the desk had been opened, and the notes extracted. In the desk was found a memorandum of the death of Mrs. O'Keefe, in the hand-writing of the younger prisoner. The deceased's name was there written "O'Keith;" and as young Carter was in the habit of thus mis-spelling her name, this circumstance strengthened the suspicion. It appeared also that some of the notes had been paid into the Bank of England since the 8th of June, and were endorsed "Carter."

The evidence having been gone through, the prisoners were called on for their defence.

The elder Carter said, his wife had been in the habit of keeping the cash for twenty years, and when he wanted money, he got it from her; that was all he knew of it.

The younger Carter said, he was in the habit of receiving money from his mother and paying it away for his father, which was all he had to say to the charge.

The wife put in a written paper, in which she stated that the de-

ceased was a very troublesome and overbearing woman, who used to declare that she was independent of every one, and would do just as she pleased with her own. The prisoner was very attentive to her, and constantly got up in the night-time to wait upon her. The deceased offered to purchase her (prisoner's) son a commission in the army or navy, and was so much attached to the prisoner, that she would scarcely suffer her out of her sight. A few days before she died, the deceased ordered her to shut the door and come to the bed-side. She did so, and the deceased put a roll of bank notes into the prisoner's hand, and bid her keep them if she died, and say nothing about the matter, as, at her death, every thing in the room should be her's.

Mrs. Robins deposed that she was a lodger in the prisoner's house. Had heard the deceased say, on the Friday before her death, that Mrs. Carter had been very kind and attentive to her, and that she was to have all her property when she was dead, and she had already made her a very handsome compliment.

Mrs. Williams deposed that she assisted Mrs. Carter in attending on the deceased the night before she died. Mrs. O'Keefe said to Mrs. Carter, "My dear Carter, my love, I want no one here but you." Had heard Mrs. O'Keefe say to Robert, "My youth, I respect you; if you wish for a commission in either army or navy, I'll buy it for you."

More than twenty respectable witnesses gave the prisoners an unexceptionable character.

The Jury returned a verdict of *Guilty* against Elizabeth Carter, whom they strongly recommended to mercy; but acquitted her husband and son.

IRISH CHURCH.—A meeting was held at the Council Chamber, Cork, the Earl of Mountcashel in the chair, at which the situation and circumstances of the Protestant Irish Church Establishment were taken into consideration. After a variety of speeches from the chairman, Mr. Sheriff Cummins, and others, a series of resolutions were agreed on, chiefly to the effect that considerable abuses had crept into the Church Establishment; that many of its most zealous ministers received a pittance utterly inadequate to their support, while others were lavishly overpaid; and that therefore it was necessary to petition both Houses of Parliament, "praying for the adoption of such remedial measures as may ensure the adequate remuneration of every class of the clergy." This meeting excited surprise; particularly as Lord Mountcashel is a zealous Protestant, and related by marriage to Mr. Peel.

On the subject of the above meeting, a correspondence of an interesting nature has passed between the Bishop of Ferns and the Earl of Mountcashel, in which the Bishop designates it a lay Synod. The Bishop commences by observing, that he should deserve to be reckoned among the bishops "who eat, drink, and are merry," did he remain inactive at such a moment, and entreats the noble Earl to consider maturely the consequences of proceeding in the course he had begun. He feels convinced that his Lordship "will not think it inexpedient to look back to the proceedings, now but two centuries old, which took place in England with respect to the church, and to a repetition of which, a petition to the two Houses of Parliament, as

projected at the Cork meeting, will inevitably lead. A committee of religion will consequently be formed, and a petition of religion, like that in which the Commons, in 1628, censured bishops as favourers of Popery and as holding heretical opinions, and complaining that pious, laborious, and orthodox ministers were discouraged, will be the next step on the part of the Commons, who would instantly perceive the opening which such a state of things would afford them to increase their power."

23. NEW POST OFFICE.—This elegant building was opened in the presence of a great concourse of people, for the commencement of the business of the Post-office department, a short time before five o'clock this morning. The Holy-head mail was the first to enter the court yard of the New Post-office, and came in at about a quarter past five o'clock. The other mails followed at intervals of from ten minutes to half an hour. A rivalry existed among all the mail coachmen to be the first who entered the new office; and it was thought that either the Brighton or the Dover mail, from the short distance they have to come, would have reached the new office first. In this desire to be the first, the Brighton coach was coming to town with great speed; and when it arrived one mile on the London side of Crawley, it upset, and the coachman was seriously hurt.

The improved system adopted in the new office enabled the inland officers to sort and arrange the letters by about eight o'clock, and at half past eight they were ready for delivery. In the course of the morning four vehicles were stationed within the railing at the

back of the Post-office, built after the manner of the Omnibus. In these the letter-carriers, having to deliver letters at the west and north-western parts of the metropolis, took their seats about half past eight o'clock, two of the carriages proceeding up the Strand, and the other two up Holborn. There were about fourteen letter-carriers in each. At Lloyd's coffee-house, and other public places, the letters arrived full twenty minutes earlier than usual.

The vestibule or great hall for the public, extends from the portico in St. Martin's-le-grand to Foster-lane, and is divided into three aisles, by two ranges of six columns with corresponding pilasters; the columns are of the Grecian Ionic order, and are of solid Portland stone standing upon pedestals of granite; the entablature is surmounted by an attic, on each side of which the light is admitted; the dado and the door architraves are also of granite, the walls are plastered with mastic, and the enrichments accord with the best examples of Grecian ornament, and are most appropriately introduced. On the north side of the vestibule are the receiving rooms for newspapers, inland and ship letters, and behind these, further north, are the Inland-letter-sorters and letter-carriers' rooms. These rooms, which extend the whole length of the front from the portico to the north wing, are most tastefully finished, indeed more so than the purpose to which they are appropriated appears to demand. The mails are received at the doorway (in the eastern or Foster-lane front) north of the vestibule, leading to the Inland-offices—and are taken into a room called the Tick room, where the bags are opened; in this

part of the building are the Ship-letter and West-India offices, and in the north wing are the Comptrollers' and Mail-coach offices; the rooms over the offices above described, are intended as offices for the letter-bill, mis-sent, dead, and returned letter departments. On the south side of the vestibule are the Foreign, Receiver-general's, and Accountant's offices; the Board room, Secretary's-room, and Clerks' offices, are on the first floor, communicating by long passages with the Solicitors' offices. The principal staircase, which is in the corridor immediately on the right hand entering the vestibule from St. Martin's-le-grand, is beautifully proportioned; the steps are of solid masonry, and the ballusters have a peculiarly massive appearance—they are of brass bronzed and are cylindrical. On the landing there is a niche for a figure to hold a gas lamp. The Board room, which is 37 feet long and 24 feet broad, has an ornamented segment ceiling—the cornice is supported by wainscot pilasters, the dado and doors are also of wainscot, and the walls have been painted to imitate the wood, so as to give the whole room the appearance of oak;—much cannot be said, however, in praise of the imitation by the painter in this room. There is a communication on this floor, by means of an iron door, with the Assistant Secretary's house. A large portion of the building next Foster-lane, on a mezzanine and upper story, is appropriated as lodging-rooms for the Foreign-office clerks. At the eastern end of the vestibule is the Twopenny post department, comprising the receiving, sorters', and carriers' rooms. The Sorters'-office is about 45 feet by 25 feet, on the plan,

and fitted up in the same judicious manner, observed in the Inland-office; there is a very novel and admirable mode for conveying letters across the vestibule to and from the Inland, Foreign, and Twopenny post offices, in small waggons, traversing in a tunnel beneath the paving by means of machinery, the moving powers of which are in the offices above alluded to, which constitutes the south-west portion of the south wing. All the offices on the first floor communicate by a gallery across the vestibule at the eastern end. In the basement are vaulted rooms for the accommodation of the guards in attendance, and to serve as stores for the lamps and firearms. All the apparatus connected with the supply of the gas is in the cellars, and every precautionary measure against explosion, and the means of immediately cutting off the communication with the main service, should such an event happen, appear to have been well considered in the mode adopted. The coals are conveyed from the cellar to the several stories by means of a very ingenious hoisting apparatus; and there is a copious and constant supply of water, and ample facilities for conveying it all over the building, by hose pipes, in case of fire. There are between seven and eight hundred gas-lamps in the several offices and passages. The first stone of this building was laid in May 1824.

THE FIRE-KING AND HIS CHALLENGER.*—An advertisement appeared lately in one of the papers, in which a Mr. J. Smith, after insinuating that M. Chabert practised some juggle when he appeared to enter into an oven heated to five hundred degrees,

* See *supra*, p. 79.

and to swallow twenty grains of phosphorus, challenged him to perform the exploits which he professed to be performing daily. In consequence M. Chabert publicly accepted Mr. J. Smith's challenge for 50*l.*, requesting him to provide the poisons himself. A day was fixed on which the challenge was to be determined, and at two o'clock on that day, a number of gentlemen assembled in the Argyll-rooms, where the exhibition was to take place. At a little before three the fire-king made his appearance near his oven, and as some impatience had been exhibited, owing to the non-arrival of Mr. J. Smith, he offered to amuse the company with a few trifling experiments. He made a shovel red hot and rubbed it over his tongue, a trick for which no credit, he said, was due, as the moisture of the tongue was sufficient to prevent any injury arising from it. He next rubbed it over his hair and face, declaring that any body might perform the same feat by first washing themselves in a mixture of spirits of sulphur and of alum, which, by cauterising the epidermis, hardened the skin to resist the fire. He put his hands into some melted lead, took a small portion of it out, placed it in his mouth, and then gave it in a solid state to some of the company. This performance, according to his account, was also very easy; for he seized only a very small particle, which, by a tight compression between the finger and thumb, became cool before it reached the mouth. At this time Mr. Smith made his appearance, and M. Chabert forthwith prepared himself for mightier undertakings. A cruise of oil was brought forward and poured into a saucepan,

which was previously turned upside down, to show that there was no water in it. The alleged reason for this step was, that vulgar conjurors, who profess to drink boiling oil, place the oil in water, and drink it when the water boils, at which time the oil is not warmer than an ordinary cup of tea. He intended to drink the oil when any person might see it bubbling in the saucepan, and when the thermometer would prove that it was heated to three hundred and sixty degrees. The saucepan was accordingly placed on the fire, and as it was acquiring the requisite heat, the fire-king challenged any man living to drink a spoonful of the oil at the same temperature as that at which he was going to drink it. In a few minutes afterwards, he sipped off a spoonful with the greatest apparent ease, although the spoon, from contact with the boiling fluid, had become too hot for ordinary fingers to handle. "And now, monsieur Smith," said the fire-king, "now for your challenge. Have you prepared yourself with phosphorus, or will you take some of mine, which is laid on that table?" Mr. Smith, walked up to the table, and pulling a vial bottle out of his pocket, offered it to the poison-swallower. Fire-king—I ask you, on your honour as a gentleman, is this genuine unmixed poison? Mr. Smith—It is, upon my honour. Fire-king—Is there any medical gentleman here who will examine it? A person in the room requested that Dr. Gordon Smith, one of the medical professors in the London University, would examine the vial, and decide whether it contained genuine phosphorus.

The Professor went to the table,

on which a formidable collection of poisons—such as red and white arsenic, hydro-cyanic acid, morphine, and phosphorus — was placed, and, examining the vial, declared, that, to the best of his judgment, it was genuine phosphorus.

M. Chabert asked Mr. Smith, how many grains he wished to commence his first draught with. Mr. Smith—Twenty grains will do as a commencement.

A medical gentleman then came forward and cut off two parcels of phosphorus, containing twenty grains each. He was placing them in the water, when the fire-king requested that his phosphorus might be cut into small pieces, as he did not wish the pieces to stop on their road to his stomach. The poisons were now prepared. A wine-glass contained the portion set aside for the fire-king—a tumbler the portion reserved for Mr. Smith. The Fire-king—I suppose, gentlemen, I must begin, and to convince you that I do not juggle, I will first take off my coat, and then I will trouble you, doctor (speaking to Dr. Gordon Smith,) to tie my hands together behind me. After he had been bandaged in this manner, he planted himself on one knee in the middle of the room, and requested some gentlemen to place the phosphorus on his tongue and pour the water down his throat. This was accordingly done, and the water and phosphorus were swallowed together. He then opened his mouth and requested the company to look whether any portion of the phosphorus remained in his mouth. Several gentlemen examined his mouth, and declared that there was no phosphorus perceptible either upon or under his tongue. He was

then by his own desire unbandaged. The fire-king forthwith turned to Mr. Smith and offered him the other glass of phosphorus. Mr. Smith started back in infinite alarm—"Not for worlds, Sir, not for worlds; I beg to decline it." The Fire-king—Then wherefore did you send me a challenge? You have pledged your honour to drink it, if I did; I have done it; and if you are a gentleman, you must drink it too. Mr. Smith—No, no; I must be excused: I am quite satisfied without it. Here several voices exclaimed that the bet was lost. Some said that there must be a confederacy between the challenger and the challenged, and others asked whether any money had been deposited? The fire-king called a Mr. White forward, who deposed that he held the stakes, which had been regularly placed in his hands, by both parties, before twelve o'clock that morning.

The fire-king here turned round with great exultation to the company, and pulling a bottle out of his pocket, exclaimed "I did never see this gentleman before this morning, and I did not know but that he might be bold enough to venture to take this quantity of poison. I was determined not to let him lose his life by his foolish wager, and therefore I did bring an antidote in my pocket, which would have prevented him from suffering any harm." Mr. Smith said his object was answered in seeing twenty grains of genuine phosphorus actually swallowed. He had conceived it impossible, as three grains were quite sufficient to destroy life. The fire-king then withdrew into another room for the professed purpose of putting on his usual dress for entering the

oven but in all probability for the real purpose of getting the phosphorus from his stomach.

After an absence of twenty minutes, he returned, dressed in a coarse woollen coat, to enter the heated oven. Before he entered it, a medical gentleman ascertained that his pulse was vibrating ninety-eight times in a minute. He remained in the oven for five minutes, during which time he sung "*Le Vaillant Troubadour*," and superintended the cooking of two dishes of beef steaks. At the end of that time he came out, perspiring profusely, and with a pulse making one hundred and sixty-eight vibrations in a minute. The thermometer, when brought out of the oven, stood at three hundred and eighty degrees; within the oven he said it was above six hundred.

OCTOBER.

SHARK FIGHT.—The following curious account of a shark fight, appeared in the Calcutta Oriental Herald.—“I was walking on the bank of the river, at the time when some up-country boats were delivering their cargoes. A considerable number of Coolies were employed on shore in the work, all of whom I observed running away in apparent trepidation from the edge of the water—returning again, as if eager, yet afraid, to approach some object—and again retreating as before. I found, on inquiry, that the cause of all this perturbation was the appearance of a large and strange-looking fish, swimming close to the bank, and almost in the midst of the boats. Knowing that alligators were common enough, I at first conjectured that the fish

in question must be one of those frightful animals; but recollecting that the natives and alligators are not so much strangers to each other as appearances on this occasion indicated, I hastened to the spot to ascertain the matter, when I perceived a huge monster of a shark sailing along—now near the surface of the water, and now sinking down, apparently in pursuit of his prey. At this moment a native on the Choppah roof of one of the boats, with a rope in his hand which he was slowly coiling up, surveyed the shark's motions with a look that evidently indicated that he had a serious intention of encountering him in his own element. Holding the rope, on which he made a sort of running knot, in one hand, and stretching out the other arm, as if already in the act of swimming, he stood in an attitude truly picturesque, waiting the re-appearance of the shark. At about six or eight yards from the boat, the animal rose near the surface, when the native instantly plunged into the water, a short distance from the very jaws of the monster. The shark immediately turned round, and swam slowly towards the man, who, in his turn, struck out the arm that was at liberty, and approached his foe. When within a foot or two of the shark, the native dived beneath him, the animal going down almost at the same instant. The bold assailant in this frightful contest soon reappeared on the opposite side of the shark, swimming fearlessly with the hand he had at liberty, and holding the rope behind his back with the other. The shark, which had also by this time made his appearance, again immediately swam towards him; and while the animal was apparently

in the act of lifting himself over the lower part of the native's body that he might seize upon his prey, the man, making a strong effort, threw himself up perpendicularly, and went down with his feet foremost, the shark following him so simultaneously, that I was fully impressed with the idea that they had gone down grappling together. As far as I could judge, they remained nearly 20 seconds out of sight, while I stood in breathless anxiety, and, I may add, horror, waiting the result of this fearful encounter. Suddenly the native made his appearance, holding up both his hands over his head, and calling out with a voice that proclaimed the victory he had won while underneath the wave, 'Tan—tan!' The people in the boat were all prepared; the rope was instantly drawn tight, and the struggling victim, lashing the water in wrath, was dragged to the shore and despatched. When measured, his length was found to be six feet nine inches; his girth at the greatest three feet seven inches. The native, who achieved this intrepid and dexterous exploit, bore no other marks of his finny enemy, than a cut on the left arm, evidently received from coming in contact with the tail or some one of the fins of the animal."

STATE OF THE MANUFACTURING POPULATION. — Stockport. — The operatives in our cotton manufactories are now working at various rates of wages. Some power-loom weavers are still out of employ, partly on account of the demand for export yarn increasing, while the foreign demand for cloth declines in proportion, and partly in consequence of the starving prices paid at Colne, Blackburn, Todmorden, Burnley, &c. for

coarse fabrics, to manual weavers, enabling their employers to compete with more powerful machinery. About a fourth of the hand-loom weavers here are without employ; and those in work have, with few exceptions, when one warp is woven, to wait a week or ten days for the next. A 96 reed checked hair-cord, having 112 west-threads in the inch, is paid 12s. per cut of 24 yards in length, and 6-4 in breadth; the same was 14s. per cut two months ago. This may be woven in eight or nine days; but it requires considerable bodily strength, and good workmanship. The 9-8 wide 10 reed muslin, tape-striped, 25 yards in length, 90 west-threads, is 5s. 6d. per cut. More than a cut of this may be woven in a week; but he is not very idle who does that work. The 72 reed three-shuttled gingham handkerchiefs, 6-4 wide, 28 yards in length, 90 west-threads, is paid 3s. 9d. per doz. The 110 reed 6-4 wide jaconot (the only one, perhaps, in the town), 125 west-threads, is 8s. per cut of 24 yards. In 1797, this work would have been paid at no less than 2l. 10s. Unmarried persons, who have not looms, work with others that have—for their loom, west-winding, &c. they pay 3d. out of every shilling received for the work. Those, who thus pay a fourth of their earnings for looms, &c., are the only persons denominated journeymen in the trade. They cannot, on an average, earn more than 5s. per week, exclusive of these deductions. In Union-street, there are sixty-two houses; in 1816, each cellar of these houses contained five looms; of the 300 looms not 80 are now moving: and almost all the loom-cellars are inhabited by persons of other occu-

pations. Edgeley, where in 1820, there were about 11,000 hand-loom weavers, has undergone, a similar, though not so extensive a diminution of numbers. In Brinksway, where there were about 50, there are now but two. Of the 3,000 looms which were numbered in 1818, there are not 500 now at work. The weavers seem not to have lost their self-respect; yet how in their persons they avoid the appearance of a squalid poverty is not easy to conceive. Those of them who receive parochial aid, as compared with the same class about Burnley, &c., are very few. The weavers assert, that wages, though so miserably low, are as uncertain as gambling. They assert that the stipulated price is so frequently abated upon frivolous and perfectly groundless pretences, that the best workman can form no conjecture of the amount of his wages, till it is in his hand. To summons an employer would be to deprive a man of work entirely. These arbitrary abatements of wages in some houses, form a sufficient profit upon the capital. Silk-weavers earn higher wages; but every one of them, without exception, declares, that such deductions from their earnings are still more extensive and grievous. An employer will say that a piece of silk is too hard or too soft, too heavy or too light, or too dim; as if the weaver could deepen or brighten the colour, or prevent it fading in the weaving. The weavers in the lower parts of Lancashire earn about half as much as in Stockport, and derive assistance from the poor's rates. The average of a man's work at Burnley, Colne, &c. is five pieces (28 yards each) at $10\frac{1}{2}d.$, amounting to $4s. 4\frac{1}{2}d.$ weekly. If a man has four chil-

dren and a wife, it is as much as the latter can do to wind for him and attend to the children and house-work. In such cases the parish allows $1s. 7\frac{1}{2}d.$, making their actual income $1s. 6d.$ per head weekly. Take the case of a single man; he earns $4s. 4d.$ weekly, out of which he pays $3d.$ for loom, $9d.$ for lodging and washing, say $1s.$ for clothing, &c. after which he has $2s. 4d.$ to sustain a life spent in plying the loom from 14 to 16 hours per day. Thus it appears that a man with a family, after a week's work of so many hours, has $1s. 6d.$ for his labour, or $3d.$ per day, one half of which is taken from the poor's rate.—*Manchester and Salford Advertiser.*

3. MYSTERIOUS MURDER NEAR RIPLEY.—A horrid murder was perpetrated at South Stainley, near Ripley, on the Leeds and Harrogate road. Some boys, sons of the neighbouring cottagers, while looking for birds' nests, in an unoccupied barn, a short distance from the lodge of Richard Lacey, esq. discovered a man apparently asleep; and they pursued their amusements some time longer, without taking any further notice of the circumstance. After leaving the place, however, they mentioned what they had seen. A great number of depredations had lately been committed in the neighbourhood, and the fact that a strange man was, in the middle of the day, asleep in the unoccupied barn, gave rise to a suspicion that he might prove one of the thieves. A party proceeded to the spot, and there, in the situation the boys had described, they found a man—not asleep, but in the last agonies of death. An instrument, similar to those used by blacksmiths for the paring of horses' hoofs, and a for-

midable bludgeon, were found near him. A dreadful gash was inflicted on his head; his throat was much swelled and inflamed, and had the appearance of having been repeatedly struck, as if with a large stick, or violently with a man's fist; there were also marks, as if the most desperate attempts had been made to produce death by strangulation. The man was immediately conveyed to the Red Lion inn, in Stainley; and, in answer to inquiries, stated with great difficulty, that his name was Joseph Harper, that he came from Wolverhampton; that he had been very ill used, and that he had been robbed of 1s. 3d. He survived but a few hours. It was conjectured that the murdered man was connected with the gang of thieves, and that he fell a sacrifice, in the uninhabited barn, to his savage companions, in consequence of some quarrel respecting booty.

5. COVENT-GARDEN THEATRE was opened for the season with the tragedy of *Romeo and Juliet*; and Mr. C. Kemble's daughter, Miss Fanny Kemble, made her first appearance on the stage. Mrs. C. Kemble played lady Capulet, and the gratification of the audience at seeing her again was increased by the interesting circumstance of her introducing her daughter. Miss Kemble is about eighteen, and of graceful and well-proportioned figure: her features are agreeable, and her dark eyebrows and eyelashes give them a power of expression admirably adapted for the stage. Her voice is flexible, and of considerable volume, and her utterance so perfectly distinct, that her lower tones are always audible and effective. On her first entrance, she ran to her mother's arms, with a sort of instinctive impulse, and

almost immediately recovered her composure. Her first scene with *Romeo* was delicately and intelligently acted. In the garden scene, she gave the exquisite poetry of the part with a most innocent gracefulness, and acted as well as she spoke. The scene with the nurse was full of simplicity. In the following scenes, when a more powerful and agitating passion is to be expressed, Miss Kemble rose with the part. The scene, in which the nurse communicates to her all the horror of her situation—*Tybalt* slain, and *Romeo* banished—was acted with great force; and the manner in which she broke off the conversation, when the weak-witted old woman advises her to marry *Paris*, was one of the most striking and felicitous parts of the performance.

FALLS OF NIAGARA.—A correspondent of the *N. York Advertiser* gives the following account of some extraordinary exhibitions which took place at the Falls of Niagara: "The arrangements contemplated the blowing up of a large projecting rock, near the Indian Ladder, at half-past twelve o'clock, on Tuesday, the 6th of October; the blowing off a part of Mrs. Dawson's Island, on the margin of the British Falls, at one o'clock; and the bursting of the outer Terrapin Rock, at half-past one o'clock, on the margin of the American Falls, near the termination of the bridge which projects out to the verge of the precipice, from Goat Island towards the Canadian shore. It was originally intended to have made a still greater blast, by throwing off near a quarter of an acre of the surface of Table Rock, immediately below where the large fragment fell some two years since. There is a fissure of 60 or 70 feet

long, by more than 100 deep, which seems now almost to separate this immense block from the mighty rampart over which it fearfully impends; and from the rapid disintegration of the shale at its base, it already hangs but insecurely, and threatens, ere long, to tumble by its own specific gravity. Under these circumstances, Mr. Forsyth had determined to shake off this crag by an artificial earthquake, on the 6th; but, the colonial government hearing of this project, and sir John Colburne fearing, perhaps, that the whole cataract might be blown up, and the Upper Lakes let out to drown his beautiful capital of York, leaving the Welland-canal high and dry, issued an order to prevent the explosion, and avert the dire catastrophe.

"The next exhibition was the descent of a schooner, at 3 o'clock. She was towed to the foot of Grand Island, and left to her own guidance. At first she looked like a little dark spot upon the water, increasing in size as it was borne down the current. The waters above the Rapids were as smooth as a sea of glass; and the sun shone upon them as upon the surface of a polished mirror. Her velocity became quicker as she glided gracefully onward; by and by, her masts were discernible; and then the streaks upon her sides. Approaching the Rapids, she plunged into the breakers, and with a loud crash away went both masts in an instant. Now she was lost in the surf; and now again she rose on the surge; and, though dismasted, plunged gallantly among the successive breakers. But her struggle was short. She had entered the Rapids at too great a distance from the shore; and wheeling round in

an eddy, broadside to the current, she struck upon a flat rock, about midway between Goat Island and the shore, where she now lies, the hull entire, bidding defiance to the impetuous torrent which comes dashing against and rushing by her.

A promise had been made, which nobody believed would be performed, that Mr. Samuel Patch, should leap the cataract on the day following, at twelve o'clock precisely. It was arranged that he should leap from a ladder, erected at the foot of a precipice below Goat Island, midway between the British and American falls. Sam came out from a cleft in the rock, dressed in white, and quickly ascended the ladder, amidst cheers so loud that they would have been heard far abroad, had it not been for the roaring of the turbulent Niagara. At length he reached the pinnacle, where he sat for a moment like a sea-gull upon the corner of a cloud. Now he stretched himself to his full length, bowed as gracefully as he could to the gentlemen, kissed his hand to the softer sex, and made his fearful leap. He sank down, and disappeared in the whirling cauldron, which closed upon and boiled over him. A boat was plying briskly round the eddy, to assist him as soon as he should rise to the surface. But nothing was seen of him, till he was discovered clambering up the rocks."

NEW REGULATIONS RESPECTING THE PORT OF LONDON.—The new by-laws, rules, orders, and regulations relating to the Port of London, which received the approbation of the Court of Common Council and the Elder Brothers of the Trinity-house, have been allowed and approved of by the Chief Justice of the Common

Pleas, in the absence of the Lord Chancellor, and are now in full operation. The day and night duty of the harbour masters has been strictly defined. Formerly the harbour masters were in the habit of resisting the authority of the Port committee, having been appointed by the Lord Mayor to their situations, and no specific arrangements having been made to control them; but, by the new regulations, an effectual authority has been established. Such of the harbour masters, as shall, from time to time, be appointed the principal or superintending harbour master, shall have the sole and entire control of the executive part of the harbour service, to enforce the due observance of the by-laws and other regulations, which may from time to time be established, and shall execute all other matters which shall be ordered by the Lord Mayor, Alderman, and Common Council, or any committee appointed by them. The harbour masters are required to obey the orders which the superintending harbour master may think it necessary to issue for the effectual performance of the harbour service; and the latter is authorized to issue orders independently of the meeting of the other harbour masters. He is, however, to be responsible for issuing orders which shall not be in accordance with the spirit and intent of the act of parliament, and the by-laws and regulations established under its authority. The day duty of the harbour masters, of whom there are four instead of five, as formerly constituted, is as follows:—One of the three, under the superintending harbour master, is to continue upon duty during the whole of the flood tide, and the first two hours after high

water, and is, during that time, to have the superintendence and direction of the navigating, placing, mooring, unmooring, and removing all ships and vessels, steam boats, lighters, and craft, in the Thames, between London-bridge and Duke's-shore. The second harbour master is to act with similar power from Duke's-shore to Blackwall. The third harbour master is, on the day on which the two first are on duty, to be off duty, and to take his regular turn. The night duty is this—One of the three harbour masters is, on the first night, to continue on duty for the last two hours of the flood, and first hour of the ebb tides, and is, during that time, to go to the lower station, to stop ships, vessels, and steam boats, if necessary, or to direct them where to go; and, when no more ships, vessels, or steam boats, are likely to pass Blackwall, he is to go up with the last of the tide, and see how the ships, &c. have taken their births. The other two harbour masters are to take their turns. Strict impartiality in the mooring, unmooring, &c. of ships, is required of the harbour masters. They are not to receive any gratuity, fee, or reward, under any pretence, from any person, for anything done or omitted to be done by them, in the discharge of their duties. Buoys are to be placed, marking the passage to be kept clear in the river, and any vessel injuring those buoys will be subject to a penalty of ten pounds. For the purpose of preserving a free and unobstructed passage through the lower and upper Pools, of such a sufficient width, that ships, vessels, and steam boats, of large dimensions and draught of water, may navigate up and down, without impediment or risk, the width of

the passage is not to be less than three hundred feet. Every barge, lighter, or other craft, is to pass along the river singly and separately, under the penalty of forty shillings. The other arrangements comprehend a great variety of directions as to the mooring, un-mooring, and re-moving of vessels.

12. MANCHESTER.—This morning, between the hours of five and six o'clock, it was discovered that the extensive warehouses belonging to the company of merchants trading to and from Liverpool, Leeds, York, and Halifax, had taken fire. Many fire-engines were immediately upon the spot, but, notwithstanding the plentiful supply of water (the Rochdale canal adjoining the premises), the fire had proceeded too far to leave any hopes of checking its progress, until the demolition of the premises had been accomplished. The firemen, therefore, directed their labours to the preservation of the adjoining warehouses, belonging to private individuals, which appeared to be in danger. About half-past five the fire assumed a most terrific aspect; the landing-places were in flames; the roof came down with a tremendous crash: four barrels of gunpowder, which were on the premises, exploded, shook the tottering timbers like an earthquake, and caused them to fall instantaneously down, bringing with them a part of the brick-work. The buildings at this time seemed like the blazing of one enormous furnace, the company's warehouses being full of bales of cotton. The firemen endeavoured amongst the burning ruins to rescue some property in the further end of the premises, which was of very great value: they had played upon it with the engines

for a length of time; and, at last, sixteen or seventeen of them proceeded to venture their lives in endeavouring to rescue it from the flames: but just as they had reached the spot, a part of the wall gave way and buried several beneath the ruins. Fortunately they were all saved, with the exception of one, who was so mutilated that he expired in a few minutes. At four o'clock in the afternoon the fire was still raging. The canal, which runs alongside the warehouses, appeared like a lake of liquid fire, the surface for a considerable distance being covered with burning cotton; the branches of the canal, which lead to the interior of the destroyed warehouses, were wholly blocked up with burning rubbish, and the canal itself had the appearance, from the smoke, of boiling water.

14. DRURY-LANE THEATRE.—Mr. Lister's tragedy of *Epicharis*, was performed for the first time. It is founded on the story of the widely-extended conspiracy of Piso against the infamous Nero, told in the latter part of the fifteenth book of the annals of Tacitus. The deviations from Tacitus are principally in these points:—the introduction of *Epicharis* as the betrothed bride of *Flavius*;—a change of the scene of interview between *Epicharis* and *Volusius Proculus*, from the neighbourhood of *Misenum* to *Rome*; and an alteration with respect to the mode of death of some of the dramatis personæ. The following are the main features of the plot:—*Caius Piso* (Mr. Wallack), an eloquent and popular patrician, ambitious of ascending to sovereign power, has formed a conspiracy against *Nero* (Mr. Cooper). Individuals of various ranks, and having various views, are link-

ed with him in the undertaking. Amongst these is Subrius Flavius (Mr. Young), a military tribune, whose only object is to free his country from an abominable tyranny. Between him and Epicharis (Miss Phillips) a mutual affection exists; and, prior to the blow being struck against the emperor, he is induced, in consequence of the patriotic spirit evinced by his betrothed, to intrust her with the secret, and with the names of several of the conspirators. She determines to strengthen the band by winning over Volusius Proculus (J. Vining), and Proculus avows his readiness to join the conspirators, provided that she will consent to bestow her hand upon him, which she had formerly refused. This offer she rejects with disdain, and Proculus proceeds to denounce her to the emperor, before whom she is interrogated. She declares that it is revenge which stimulates Proculus to make the accusation; and, as she has not intrusted him with the names of any of the conspirators, the discovery of which would have given weight to his testimony, her asseveration is believed, but she is still kept in custody. Meantime Flavius, distracted at the loss of his mistress,—for, when she announced to him what had happened, he had advised her, in order to escape Nero's tortures, to give her hand to Proculus—attends a meeting of the conspirators. He informs them that he had made Epicharis acquainted with their designs, and they, enraged at this betrayal, adjudge him to die. They are about to carry the sentence into execution, when the guards of Nero rush in, and seize Scevinus, Natalis, and Senecio, three of the conspirators, while they unbind Flavius, and set him at liberty. He is convinced that

Epicharis has betrayed the cause, and his mind is wrought up to a state of desperation. From this he is relieved by his friend Asper (Mr. Younge), from whom he learns that the plot had been revealed, not by Epicharis, but by Milichus, the freedman of Scevinus. His hopes revive, and he hastens to the house of Piso, to stir him up to action; but Piso, having heard that he was denounced by his friend, Natalis, has taken poison, and dies in the arms of Flavius. Still he thinks that a blow may be struck to rid the world of Nero, and he is anxious to attempt it. He encounters Feni-us Rufus (Mr. Aitken), præfect of the prætorian guard, and also a conspirator, to whom he communicates his intention. By him he is informed that Epicharis, immediately after the discovery of the conspiracy by Milichus, underwent the torture of the rack with unbending constancy. Flavius, on receiving this intelligence, becomes madly eager for vengeance; and Rufus, who secretly hates him, urges him on to the deed, basely intending, when he makes an attempt on Nero's life, to foil his purpose, and thus bring down ruin on his head. Through the influence of Rufus, he obtains access to the dungeon of Epicharis, and acquaints her with the scheme which he has formed for the destruction of Nero, when she is next brought before him. He gives her a written paper, in which he denounces himself, and counsels Epicharis, when again questioned, to call on the emperor to allow Flavius, and none but Flavius, to receive the scroll of confession from her, and to place it in his hands. After much entreaty she consents to take this course. She is again examined, and refuses to declare

what she knows of the conspiracy. By Nero's order, a poisonous draught is presented to her, and she is commanded to confess or drink. She at length, as had been arranged with Flavius, consents to give, through him, the fatal scroll to the emperor. Flavius advances, intending, as he presents the paper, to slay Nero, but is treacherously betrayed by Rufus, and is seized by the guards. Rufus, at the moment of his treachery, falls by the hand of Asper, and Epicharis, seeing her lover about to be led to execution, swallows the poisonous potion, and dies. The deficiency of incident and action caused some of the scenes to pass off heavily. The tragedy was however announced for repetition with the applause of the audience.

16. LOSS OF THE DOLPHIN.—The Dolphin, which was a very old store-ship, had been laid down as a convict hulk for above twelve years, and had become somewhat crazy and wall-sided. There had been erections made on the deck, and she was top-heavy. At ebb-tide, she was supported by piles, being moored within one hundred and fifty paces of the dock, which was left dry when the tide was out. From the hulk to the shore was affixed a platform, on which two persons could walk abreast. The overseer of the Dolphin, Captain Lloyd, retired to bed with his wife in his cabin, on Thursday night before eleven o'clock, and left the quarter-master in care of the vessel. In consequence of the high tides in the Medway within the last few weeks, a great quantity of mud had settled under the bottom of the ship; and the accident, which ensued, was owing to this circumstance—that the bottom of the vessel adhered to the mud by

suction, till the water had risen six feet higher on the side of the vessel, than it would have done had the vessel risen with the tide; so that the hold became filled with water, which forced its way through the scuppers. Before any alarm was given, the lower deck was covered with two feet of water, and at that moment two hundred human beings, buried in profound sleep, were locked in, totally unconscious of their perilous situation. There were nearly two hundred more convicts on the second deck, and, in all, the vessel contained nearly five hundred persons. It was precisely one o'clock on Friday morning, when the Dolphin fell upon her beam ends. The cries, groans, and yells of the convicts were terrific; and the inhabitants of the village of Upnor, which is about half-a-mile distant from the part of the river where the Dolphin was lying, were alarmed by the dreadful sounds which had broken their slumbers. In a few minutes the alarm was given that the vessel was sinking; a gun was fired as a signal of distress, the bells of the dock-yard and garrison were rung, and blue lights were hung out at the mast of every vessel on the river. The troops in the garrison,—in all about two hundred—were mustered in about twenty minutes on the beach in the dock-yard; and during that period captain Lloyd, the quarter-master, and the boatswain, were actively engaged in using all their efforts to save the lives of the convicts. About one hundred and fifty of the convicts had by that time escaped from the lower deck; many having been pulled through the port-holes (the stanchions of which had been beaten in), and others having es-

caped up the gang-way. Holes were cut in the top of the decks, and also in the side of the vessel; and through one aperture thirty-five men were taken out, almost dead. They had kept their heads above water for nearly an hour by holding to the tops of their hammocks. Before two o'clock three hundred and eighty convicts, many of them perfectly naked, and none having more clothing than a shirt were taken from the vessel, and were marched along the beach by the military, to a place about a quarter of a mile distant from the ship, and contiguous to the hospital ship *Canada*. A convict named Edwards, was seriously wounded by one of the carpenters, who was cutting open a part of the vessel with an axe. As soon as the aperture was sufficiently large for a man to get through it, Edwards was determined to have the first chance of escaping, and struggled with some of his fellow convicts for precedence. He thrust his head through the aperture; at that instant the carpenter, not being aware of his intention, struck a blow with his axe, which cut open the man's skull. Three convicts were drowned.

The following is Captain Lloyd's statement of the distressing occurrence:—"I retired to bed, with my wife, in my cabin, on Thursday night, before eleven o'clock, and left the vessel in the care of the quarter-master. The tide was rising rapidly at that time, and the vessel appeared to ride well. Shortly before twelve o'clock, I was awoke, and struck with the peculiar position of the ship. I found that she had heeled and was inclining so far towards her beam-ends that it was almost impossible to walk on the floor of the cabin, and the furniture had slid from the larboard

to the starboard side of the ship. I leaped out of bed, and requested my wife to follow me to the main-deck. I was in my shirt, and when I got upon deck, I found the vessel had dropped her head on the starboard side. I ran down below, and the boatswain, at my desire, descended into the hold, and having fathomed it, he found six feet of water there. The boatswain slipped off a plank into the water, and with some difficulty was taken out; I got the pumps to work, and continued them for some time, but the water increased in the hold, and rushed in at the scuppers; I went to the quarter-master on the main-deck, and asked him whether the vessel was not hanging by the fore-piles; I ran to the lower deck, and found it was up to my knees in water. There were two-hundred convicts on that deck, and they were all quiet, not being aware of the water having rushed in. I kept the pumps at work, and about one o'clock (an hour had elapsed since the first alarm) the vessel gave a sudden lurch, and was thrown upon her starboard broadside. Finding the danger imminent, I broke open the fastenings of all the decks where the convicts were locked in, and called to those on the lower deck to escape as quick as possible."

26. MURDER NEAR HADDINGTON.—In the village of Abbey, about a mile from Haddington, resided a poor widow, named Franks, and her daughter, a girl about fourteen years of age. Their house was about one-hundred or one-hundred and fifty yards distant from the village, and was inclosed within a wall four or five feet high. The last time the inmates of this dwelling were seen alive was on Monday morning. Early on Wed-

nesday morning, a miller, belonging to the village, was surprised by the piteous squeaking of a pig on the widow's premises. Conjecturing that the woman might be from home, and that the animal might be in want of food, he was induced to investigate the cause of its outcry. Finding no access by the gate, he scaled the wall; when the first object that presented itself, was the body of the widow lying in the pig-stye, with her throat cut, and otherwise dreadfully mangled. The miller immediately alarmed the villagers, several of whom hurried to the scene. On entering the house, they discovered the girl also a corpse, with her head severely bruised, as if by blows from some heavy instrument. It was found on examination that the widow's marriage-ring, which she constantly wore, had disappeared, and that her ear-rings had been torn out of her ears. It appeared on investigation, that the elder female had been murdered on the walk in her garden—for traces of blood were discovered on it, over which gravel had been strown. Her head was almost severed from her body, and was besides greatly contused. The husband of Mrs. Franks's sister was committed to prison on the charge of being the murderer,

27. About nine o'clock in the morning, the Albion coach took up, as passengers, twelve convicts from Chester, who had been sentenced to transportation for life, for various offences, and who were to be forwarded to Portsmouth, for which purpose a Portsmouth coach was to meet them at the Bull and Mouth, London. The coach had no other passengers, except the two keepers who had charge of the convicts. About nine in the evening, the coach reached Birmingham, when

a new coachman and guard relieved the former ones, and the coach proceeded to Elmedon, where the convicts partook of some refreshments. After having gone on four miles to Meriden, the guard's attention was arrested by hearing one of the convicts filing the chain attached to his handcuffs. Without apparently noticing the noise, he contrived to apprise the keeper of the circumstance; and he then took the guard's situation behind, the guard afterwards riding with the coachman. After this alteration every thing became quiet, and there were no appearances of an attempt at escape. The coach now approached Coventry, through which it passed; and after it had proceeded nine miles, to a sequestered part of the road, where trees extend on either side upwards of six miles, and not a house is near, in an instant four of the convicts seized hold of the coachman and guard, stopped the horses, and succeeded in fastening both of them with cords and straps; while this was going on, they stated that they did not intend to injure them, or rob the coach, but were determined, at every hazard, to regain their liberty. While this scene was going on in the front of the coach, five other convicts seized the keeper behind, secured him, and, rifling his pockets, obtained the keys of the handcuffs. The confusion outside was the signal to the remaining convicts within: instantly the keeper was laid hold of and confined, and, having got possession of his handcuff keys also, they lost no time in manacling him. The convicts then descended and began endeavouring to extricate themselves from their fetters—a work which occupied them some time, and in which, notwithstanding their vio-

lence and ingenuity, they made very little progress; while thus engaged, they were suddenly alarmed by the noise of a coach approaching; they immediately rushed to the fields, and, as the night was exceedingly dark, they succeeded in making their escape, before the Alliance Liverpool coach came up, by which time the guard and coachman had extricated themselves, and were assisting in unbinding the keepers. Before the convicts were alarmed by the Liverpool coach, they had detached the horses from the coach; probably, if necessary, to make use of them in aiding their flight. Most of them were soon retaken.

NOVEMBER.

1. THE EQUITABLE ASSURANCE COMPANY.—The assets of the company are as follow:—

	£	s.	d.
4,373,000 <i>l.</i> Consols at 89	3,891,970	0	0
4,587,000 <i>l.</i> Reduced, at 90	4,128,300	0	0
400,000 <i>l.</i> 3½ per Cents. 99	396,000	0	0
Lent on Mortgage	1,822,859	13	1
Cash in hand, and sums receivable 31st December next	172,410	13	8

£10,410,540 6 9

There are 8,867 policies existing, upon which there will be due at the deaths of the respective parties for the sums originally assured, and for additions of profit already made thereto, but exclusive of the 3 per cent scale, to be added on the 31st December next, the sum of 14,849,972*l.* 17*s.* Against these claims the society, besides the assets above stated, is in the receipt of 410,665*l.* 16*s.* 6*d.* per annum for premiums. The value in present money of the premiums,

computed according to the expectancy of life, deducted from the value in present money of the sums to be paid at the deaths of the persons assured leaves a balance against the company, of 4,847,968*l.* 7*s.*; which, it will be seen, is less than half of the amount of assets in hand. The profits of this society have been, and will continue to be, exclusively divided amongst the policies, dated prior to the 1st of January, 1817, until the number of those policies shall be reduced to 5,000, after which the subsequent policies will be admitted into the favoured class, according to seniority of dates, as the old ones expire, but the number of sharing policies is never to exceed 5,000. The following is an account of the policies dated prior to the 1st. Jan. 1817, which were in existence on the 31st December last, classed according to the then ages of the persons assured:

Ages.	No. of Policies.	Original Sums Assured.	Amount including Additions.
90 to 92	11	£8,000	£22,478 0 0
80 to 89	112	96,165	177,574 13 0
70 to 79	702	800,174	1,222,772 9 0
60 to 69	1,484	2,075,430	2,965,050 16 6
50 to 59	1,963	2,963,034	3,753,806 4 6
40 to 49	1,103	1,762,461	2,096,646 17 0
30 to 39	197	280,940	328,623 15 0
20 to 29	37	32,750	39,325 0 0
	5,609	8,018,963	10,506,277 5 0

In the year 1810 a distribution of profits took place at the rate of 2 per cent for the number of years the policy had existed, and 2 per cent at the end of each succeeding year up to 1820, when 2½ per cent was given upon the past years of the policy, and the like sum annually until 1830. Now it is proposed to add 3 per cent from the date of the policy, and give 3 per cent more at the end of each succeeding year.

RENTS.—The Marquis of Stafford, who, in 1820, began to regulate

the rents of his English estates according to the average price of wheat, still adheres to that system. Under this arrangement the deductions received by his tenants amounted in—

1821 to 32 per ct.	1825 to 16 per ct.
1822 to 46 ditto	1826 to 28 ditto
1823 to 35 ditto	1827 to 31 ditto
1824 to 22 ditto	1828 to 26 ditto

His lordship has, in like manner, regulated the rents of his Scotch estates, by the average price of wool, wedders, and ewes, by which his tenants in the north have received the following abatements; in—

1821 to 18 per ct.	1825 to 27 per ct.
1822 to 26 ditto	1826 to 18½ ditto
1823 to 40 ditto	1827 to 29½ ditto
1824 to 32 ditto	1828 to 31 ditto

7. INTERMENT ALIVE.—

DEATH BY SUFFOCATION.—An officer on half-pay, who resided at Pont à Mousson, fell into a profound lethargy, and was buried at the expiration of only 36 hours, in violation of the regulations which direct that 48 hours should elapse before interment. When the usual prayers were finished, the body was taken to the cemetery; but the mourners had hardly retired, and the grave was but half filled up, when stifled sounds were heard to proceed from the coffin, and the grave-diggers were dreadfully alarmed. One of them, instead of giving immediate assistance, ran to the Commissary of Police, and the wretched victim was left for three quarters of an hour. When the coffin was at length opened, the unfortunate officer was found with one hand at the back of his head, and the blood issuing from his mouth. The medical man who attended endeavoured to bleed him, but only a few drops of blood issued. He then burnt one of his

fingers, but this operation did not produce any signs of life, which had evidently been extinguished in the most horrible manner.

9. While the ten bells in the tower of St. Sepulchre's church, Snow-hill, were ringing a merry peal, as the Lord Mayor's procession was passing, the tenor, or great bell, weighing 3,300lb. fell out of its hangings with a most tremendous crash into the pit beneath, to the great alarm of the ringers, who were three floors under. The accident was caused by the gudgeons, by which the bell was suspended, giving way, owing to their having been worn by constant friction for nearly two centuries. The crown and upper part of the bell were completely severed from the remaining part, as if cut with a knife.

10. **FATAL TRICK OF A CONJUROR.**—At Arnstadt, Linsky, a celebrated legerdemain performer, gave, in the presence of the family of prince Schwartzburgh Sondershauser, a grand exhibition, in which he wished to distinguish himself by an extraordinary display of his art. Six soldiers from the garrison were introduced to fire with ball cartridges at Madame Linsky, the young wife of the conjuror. They were, however, directed, in biting the cartridge, to bite off the ball and keep it in their mouth; and they had been instructed, in a rehearsal, how to practise the feat. Madame Linsky, who had recently lost a child, and was pregnant, was for a long time unwilling to perform the part allotted to her in the trick; but, by the persuasion of her husband, she was induced to consent. The soldiers, who were drawn up before the company, took aim at Madame Linsky and fired. For a moment after the firing, she remained stand-

ing upright, but the next moment she sunk down, saying, "dear husband, I am shot." One of the musket-balls, which had not been bitten off, passed quite through her abdomen. The unfortunate woman never spoke another word, and died on the second day after she received the wound.

A RIVER ON FIRE.—A vein of pure oil was lately struck in boring for salt water, in Cumberland county, Kentucky. The oil welled out at intervals of from two to five minutes, pouring out at each flow barrels of oil, perfectly pure, and of a strong, penetrating, disagreeable odour, perceptible at the distance of five or six miles. It was opened on the banks of a small rill, down which the oil flowed into the Cumberland river, distant from a quarter to half a mile. It has been traced 500 miles down the river, covering, for many miles, its entire breadth. A boy communicated fire to the oil on the river, about two miles below the spot, where the oil first reached it. The spectacle it presented was splendid beyond description: the flames shooting up, for miles along the river, in one immense wall of flame, reaching from the water to the clouds, and shining over the whole country by night.

NATURAL CURIOSITY.—A sow, belonging to a gentleman in Banff, farrowed a pig with its belly open from the throat to the tail, exposing the whole entrails in the completest manner possible. The creature was alive and vigorous, breathed freely, and stirred about, as if it had been perfectly formed. The packing of the bowels, so beautifully described by Dr. Paley, was fully exhibited. The pulsations of the heart were strong and regular; and the circulation of the blood to

and from the heart, and through the lungs, was to be seen as plainly as in an ordinary pulse-glass—exhibiting at once, and in the most unequivocal manner, the circulation of the blood to and from the heart, and through the lungs. The creature continued to live for some hours: it was at last put to death, from the improbability of its continuing to live any length of time.

THE TWO-HEADED GIRL.—A bicephalous girl has lately arrived in Paris. At the last sitting of the Academy of Sciences, M. Geoffroy de St. Hilaire placed her portrait before the eyes of the assembly, and gave some explanations of the observations he had already made on this singular phenomenon. The child is double from the head to the hips; her right part has been baptised under the name of Christina, and the left under the name of Ritta. Christina is obviously more developed than Ritta; almost the whole of the upper portion of the body is on the other side. Yet, on examining them, with the assistance of the stethoscope, Ritta alone seems to possess the organ of the circulation, that is, the heart. Looking at them behind, the two vertebral columns are seen to continue distinct down to the coccyx (hip-bone), which is confounded only in the lower part. There are two stomachs, and there is reason to believe, that the mixture of the digestive organs begins only in the small intestines. The rectum is evidently single, though a sort of hollow cut may be remarked in it, which seems to shew a tendency towards doubling. This child was directed to Paris by Professor Rolando, of Turin; but the police refused the licence, which the father solicited to satisfy the public curiosity.

20. **THE NEW FLEET-MARKET, OR FARRINGDON-MARKET,** was opened for the commencement of business. It forms a handsome and elevated quadrangle of two hundred and thirty-two feet by one hundred and fifty, standing on a surface of one acre and a half. The purchase of the ground and the buildings which stood thereon, is estimated in round numbers at 200,000*l.*; the building of the market, including pavements' accounts, &c., is stated at 80,000*l.* The avenue, under which are the shops of the dealers, and which extends round three sides of the building, is twenty-five feet high to what are technically termed the tie-beams, with ventilators ranged at equal distances. The shops in general are let at 15*s.* a week, or, with a parlour, at 25*s.* per week. In the centre of the roof of the principal avenue a turret and clock have been placed; the latter is constructed on the same principle as the clocks of St. Bride, St. Giles, and Whitechapel, a stream of gas flowing to a point behind the dial-plate, thus affording the advantage of ascertaining the hour during the night. The chief entrance to the market is by two principal gates for waggons, &c. in Stonecutter-street, which has been made double its former width; and two smaller ones for foot passengers; besides these, on each side of the quadrangle, massive oak doors are to be thrown open from morning till the close of public business. Eighteen large lamps are placed in the centre of the market. The street formerly called Fleet-Market is to be called Farringdon-street, and will form one of the most commodious thoroughfares in the metropolis.

25. **DUBLIN.**—At one o'clock this day the Protestant Colonization Meeting took place at Morrison's great room, Dawson-street. —The Earl of Enniskillen, on taking the chair, said, the object of the meeting, was to form settlements for their Protestant fellow subjects.—Mr. G. O. Moore, M.P. congratulated the meeting on its prospects of success. The plan was, to locate Protestants on waste lands, and thus serve the empire by cultivating the bogs and mountains.

Several of the noblemen and gentlemen, who were present, spoke in praise of the plan; and promised it their warmest support.

30. **ROYAL SOCIETY.**—the Royal Society held its anniversary meeting, and elected members to serve in the new council for the ensuing year.

The President, Mr. Davies Gilbert, proceeded to inform the society of the progress made in the sciences during the last year, and the loss which the society and the world had experienced in the death of three of its greatest ornaments, Sir Humphrey Davy, and Drs. Wollaston and Young.

The President then stated that the council had adjudged the first royal medal to Charles Bell, esq., for his profound researches on the nervous system; and that the second medal had been adjudged to Mr. Majendie, for his investigation into organic matter.

The names of the old and new council were then read over; they were as follows:—

Davies Gilbert, President,
Sir Everard Home, — Capt. Henry Kater, Vice Presidents.

Old Council.—Francis Bailey, Esq; Charles Bell, Esq; Robert Brown, Esq.; Michael Faraday,

Esq.; John Pond, Esq., A. R.; Rev. Adam Sedgewick, M. A.; Henry Warburton, Esq.

New Council.—Peter Barlow, Esq.; Wm. Thos. Brande, Esq.; John Fred. Daniell, Esq.; Henry Ellis, Esq., LL.B.; Sir T. Lawrence, Knt., LL.D.; Robert Viscount, Melville, K. T.; Lieut.-General Sir George Murray, G. C. B.; A. . Wilson Philip, M. D. George Rennie, Esq.

Secretaries.—Peter Mark Roget, M. D.; Capt. Edward Sabine R.N.

28. ACCIDENT OCCASIONED BY A WHALE.—D. Harvey, with two sons and a brother-in-law, and a lad (John M'Bride), all of the parish of Killaghter in the county of Donegal, were in pursuit of a shoal of sprat, for bait, within seventy yards of the deep shelving shore of Ballysigart, St. John's Point. The old man Harvey was in the act of drawing up a hand-loop of the sprat, when a whale, in pursuit of the same shoal, and probably seeing the loop of fish, made for it, and in his eagerness, perhaps not seeing the boat which lay sideways to him, got the boat in his jaws, which, closing, cut the centre clean out, leaving the two ends. In one of these was the lad M'Bride; he clung to an oar, and was saved at the imminent risk of an infirm old man, who, with the aid of two girls, launched a boat, and arrived just in time to save him. One of the sons of Harvey was found on a floating piece of the wreck, dead, black, and contused.

RECOVERY OF EYE-SIGHT.—About 16 years ago, Thomas Wilson, fenar, in Langholm, who is now a man of three score and twelve, felt a dimness of vision creeping over him; and in a short time became stone-blind. On

Thursday, the 26th, he was seized with a violent pain in his head and temples, accompanied with a copious discharge from his eyes; at the end of two days, the pain and running ceased, and then the film was gradually removed, which had so long shut out the external world. While seated in his dwelling on Saturday, the 28th, he, to his utter astonishment, perceived the cheerful light of day, and, in a few moments, distinctly observed "a tall, dark man" passing the window. This individual was his own son, who had grown up during the long and dreary blank in his father's existence. The father knew his son by his voice, and perused and re-perused his features with an anxiety which defies all description. His wife next engaged his attention, and then every member of the family, from a daughter-in-law, whose appearance he had fancied rather than known. For some days the old man was half delirious with joy. His great delight was to wander about the streets and lanes of Langholm, reading the signs, and threading his way without the aid of either spectacles or a guide. At other times he explored the fairy nooks of the Ewes and the Esk, laving his palms and eye-lids in streams which he never expected to behold again, and whose murmurs are as the sweetest melody to his ear. But, amidst all his enjoyments, a feeling of melancholy occasionally steals over him, and he finds it difficult to subdue the conviction, that his latter end is near at hand.—*Dumfries Courier.*

DECEMBER.

1. DESTRUCTION OF RAMSGATE

THEATRE.—Last night, at a late hour, Ramsgate was thrown into dismay by the announcement of a fire, which had broken out in the theatre, a short time after the performance had closed. In an instant, the bells on the pier were set a ringing, and the engines put in motion, and, in a short time, the inhabitants had congregated near the scene, to the amount of many hundreds. Unfortunately, from the confined situation of the premises, there was a scanty supply of water, and it was feared that the adjacent houses would fall a prey to the flames. However, by a judicious application of the quantity which could be obtained, the fire was confined to the building, though, from the combustible nature of the interior, it raged with appalling and destructive force. The roof soon gave way, the rafters having ignited through the agency of the burning scenery; and now that a vent had been obtained, the flames mounted very high in the air, illuminating the sky for miles round. Long before day-light the whole of the building, and all the scenery, dresses, decorations, &c. were consumed. The accident was supposed to have originated from a candle having been incautiously left burning; a spark flying from it set some of the scenery on fire.

SUSPENSION BRIDGES IN FRANCE.—The French are following our example in the erection of suspension bridges of iron. One of great dimensions was lately erected on the Rhone, over which, from its rapid current and large volume of water, it is very difficult to throw a bridge of stone. Another of less extent was some time ago erected over the Seine at Paris, near La Greve; and very lately there was opened a new suspension bridge of

iron over the Seine, in the quarter of the Champs Elysées. The length of that bridge is about 360 feet.

4. The upper part of Lanarkshire was visited by one of those south-westerly storms which often cause very sudden swells in the upland rivers of that part of the country; and the unexpected flood proved fatal to four individuals. In the afternoon, two young men, Wm. Howison and Alex. Reid, accompanied by two young women, Marion Napier and Anne Williamson, left the parish of Symington, to attend a ball at Boatlaws, Lamington, on the opposite bank of the Clyde; and, after spending the night in the utmost hilarity, set out about five o'clock on Saturday morning, on their return home, in a cart. On going and returning, they had to cross the Clyde at a ford, which, at any time, is not unattended with danger, and which had been rendered doubly hazardous from the quantity of rain which had fallen during the night, probably unheeded by them in the midst of their mirth. The horse and cart were got out on Saturday the 5th, at a considerable distance from the ford; and the relations of the sufferers had the melancholy satisfaction, after much exertion, of finding their bodies several miles from the place at which they had attempted to cross. The sight of the bodies of the girls, arrayed in their ball dresses, was peculiarly affecting.

MURDER BY A BOY.—A trial for murder and robbery took place a few days ago at Douay, under the following circumstances:—A little girl, six years and a half old, named Isabella Legrand, was sent, on the 5th of July last, to the village of Mauray, to buy some

bread, when she was met by the prisoner, Theophilé Joseph Blot, who himself is only 14. He accosted her, and, seeing that she had 34 sous in her hand, he induced her to walk with him to a retired spot, by promising her some currants. The young villain then took a rope which he had in his pocket, put it round the little girl's neck, and, as she did not make any resistance, threw her on his back, carried her to a cherry-tree, tied her to it, and strangled her. He then took away the money which she had in her hand, and went to seek some of his companions, with whom he shared the money, laying it out in gingerbread. The jury found the prisoner guilty of voluntary and premeditated homicide, followed by robbery, and also that he had acted with discernment. The court, therefore, sentenced him to be imprisoned for 20 years, and, at the expiration of that period, to be placed under the surveillance of the police.

ATROCIOUS MURDER IN BAVARIA.—In the department of the Iser, in Bavaria at some distance from the town of Vilsebourg, stands an isolated house, which was inhabited by a shoemaker, named Huber, and his family, consisting of a wife and three children—viz., a daughter, named Catherine, aged nine; a boy, three years old; and an infant still at the breast. On Holy Thursday last, a neighbour happened to enter this house, when he found Huber, his wife and their son, three years old, murdered, and their daughter Catherine mortally wounded.

The following account of the details of the crime, derived from the evidence given on the trial, and the confession of the criminal, has appeared in the French papers.

George Wachs, at the time of committing the crime, was only nineteen years of age. He was the son of a reputable farmer, and was bound apprentice to a miller. On Holy Thursday, Wachs left his master's house, under pretence of going to the neighbouring town to confession, and, on the way, he overtook a young countryman of his acquaintance, who was going to the same town to have his watch repaired. They entered a public house and had some beer; the countryman, telling Wachs the object of his visit to the town, showed him the watch, which seemed to excite his admiration: and he expressed great regret at not being able to provide himself with one. After some time they again set out for the town, but soon entered another beer-house, where Wachs became intoxicated, exhibiting the most boisterous signs of joy, leaping about, throwing his hat in the air, &c. Soon after quitting this second public-house, Wachs declared that he would put off his confession to another day, parted from his companion, and went towards Huber's (the shoe-maker) house, to have some slight repairs done to his boots. On entering the house, Wachs found Huber occupied with a countryman, and, until he could attend to him, sat down and played with the children, amongst whom he divided a cake. After his boots had been repaired he was about quitting the house, when Huber's clock struck four. Wachs asked if it was correct, and Huber told his wife to bring down his silver watch in order to ascertain the hour. The woman, after bringing the watch, left the house to go to the market to purchase fish, and the children went out to play in the garden.

Wachs was again about to leave the house, when his eye fell upon the watch, which lay on the counter. He took it up and examined it. Huber told him that it had cost fourteen florins, and that the silver chain belonging to it was in a room on the second floor. Wachs walked up and down the shop in silence: the watch occupied all his thoughts; at every instant the desire to possess himself of it became stronger, and although, as he asserted, he struggled for a quarter of an hour against the temptation, it at length became too powerful for him. He suddenly seized a hammer, rushed on Huber, who was quietly occupied with his work, struck him a violent blow with the hammer on his head, and knocked him senseless off his chair; then, seizing the watch, he ran up to the room on the second story, and possessed himself of the silver chain, a pair of ear-rings, seven florins, and some other portable articles. Hearing the dying groans of his victim, he rushed down stairs, took up the body in his arms, deposited it in a closet, and was leaving the house, when, as he crossed the threshold, he met the two eldest children returning from the garden, who kindly wished him farewell. Lest these children might denounce him as the murderer of their father, he instantly resolved upon their destruction; and, first seizing the boy (a child of three years old) by the feet, he dashed his head against the ground and killed him on the spot; he then, after rolling the body into a corner, laid hold of the girl and dashed her also against the earth, but she rose up again and ran into the house calling upon her father for help. The murderer followed her and struck

her with the same hammer which had served to kill her father. She fell senseless; and Wachs, supposing her to be dead, left her, and was again about quitting the scene of this bloody tragedy, when he was withheld from doing so by seeing a peasant go by with a cart and horse. He waited till this man was out of sight, and was then again quitting the house, when he saw Huber's wife returning from the market. As it was impossible to quit the house without being seen by her, he resolved to add her to his other victims. Shutting the door, and concealing the hammer, he awaited her coming. On entering the house, the poor woman asked smilingly in a good humoured tone, if he meant to make himself a prisoner. The answer was a blow of the hammer on her skull, which laid her dead at his feet. After this series of fiendish acts, Wachs went to the cradle where the infant lay, and arranged it with the greatest possible care, lest any accident should happen to it. He then closed the door, and quitted the house. The little girl (Catherine) was still alive, when the neighbours entered the house, and she named Wachs as the murderer of herself and her family. Confounded by this testimony the wretch avowed his guilt. The Criminal Court condemned him to death, and he was decapitated.

FRACAS BETWEEN MR. O'CONNELL AND MR. MAHONY.—An imputation having been thrown on O'Connell of having been in negotiation with the Beresford family on the subject of acting as their counsel in the Waterford Election, he gave his account of the transaction in a long address to the electors of Waterford. The accuracy of his statement was doubted,

and is said to have been denied by Mr. Mahony, a very eminent solicitor, who had acted for O'Connell in the first Clare election. The following has been published as an authentic account of what actually took place between Messrs. Mahony and O'Connell on this subject.

"On the day after the publication of Mr. O'Connell's address to the electors of Waterford, Mr. Mahony was conversing with some gentlemen in the hall of the Four Courts, when Mr. O'Connell joined the group—"Well," said he, addressing Mr. Mahony, "have you seen my letter, and what do you think of it?"—"I have seen it," said Mr. Mahony, "and I am sorry for your own sake that you ever wrote it."—"Why," demanded the counsellor? "Because," said Mr. Mahony, "it is untrue."—"Untrue! In what respect?"—"Why, with respect to the amount of the fee. You never were offered the sum you state, and, therefore, you never could have refused it."—"The sum," said Mr. O'Connell, "was mentioned in your letter."—"Positively not," responded Mr. Mahony, "I have perused my letter on the subject, since I read that published by you, and I positively assert that you have stated that which is not true."—"Well, then," said Mr. O'Connell, "you mentioned the sum to me in conversation."—"That," replied Mr. Mahony, coolly, "was impossible, for I was in England!" Driven from one falsehood to another, the counsellor lost his temper, and exclaimed with great warmth and some vehemence, "Well, no matter. This I can say, that I will not be bullied nor put down by the Beresfords, or by their panders—or agents."—"Mr. O'Connell," said, Mr. Mahony, "you well know that you are the only man who dare

use such expressions in my presence with impunity. You have earned an infamous protection for yourself, and no gentleman can take notice of what comes from your lips."—*Saunders's News Letter.*

LEGAL MEDICINE.—A case has recently occurred in France, in which a body was disinterred seven years after burial; and the fact of the individual having been poisoned by arsenic was determined by chemical examination. M. Orfila was asked, if a body, removed from the grave after such a lapse of time, could possibly afford proofs of poison having been administered; and if so, in what manner such an investigation was to be conducted? To this question he replied, that it was very probable the body was already entirely reduced to ashes, but, that, nevertheless, if a sort of blackish coom was found at the sides of the spinal column, chiefly in the dorsal and lumbar regions, that mass might be analyzed in the manner pointed out in his work on Toxicology. MM. Ozanam and Ide, physicians at Lyons, where the supposed murder had occurred, were requested by the legal authorities to proceed to the disinterment of the body of a man, who, they suspected, had been poisoned by his daughter in 1822, in the department of Ain. The coffin was entire, formed of thick planks of fir, which internally were quite dry. Although more than seven years had elapsed since the interment, the body was recognized by the priest, by the grave digger, and even by some of the National Guard who had assisted at the ceremony, and fired over the grave. All remembered the spot, and the individual was identified by the hair which yet remained, and by

the teeth, all of which were still in their sockets, except one particular tooth, which he had lost before death ; and lastly, the joiner recognized the coffin, which had been constructed with unusual care. The head, trunk, and limbs, were entire, so that the stature could be measured. The chest had sunk in, the heart and lungs had been blended together, and presented the appearance of a dark ointment. The whole was without smell. The entire trunk was removed, the head and extremities being regarded as unnecessary to the investigation. The portion thus reserved for examination weighed nine pounds ; of this, two pounds were set aside for a second series of experiments, in case those made on the first should prove unsatisfactory. In the investigation, MM. Oranam and Ide went on the supposition of arsenic being the poison. The matter was boiled, the fluid evaporated to dryness, and the residuum thus obtained dissolved in distilled water. This produced a deep coloured liquid, which was but imperfectly deprived of its hue by chlorine. The distilled water, charged with this extract, was again evaporated to dryness. At the same time, four ounces of nitrate of potass, placed in a matrass, were exposed on ignited charcoal. The suspected matter, well dried and rolled into little portions, was introduced. Each time this was done, a deflagration was perceived. It was then allowed to cool, and the residue again dissolved in distilled water. The solution was saturated with nitric acid, and afterwards subjected to the usual re-agents, all of which indicated the presence of arsenic. Some small portions were treated with vegetable charcoal, introduced into

a glass tube, and then heated. They gave aqueous vapour ; soon after which, small gray-coloured and brilliant points were seen. A grain of metallic arsenic was thus obtained. Another portion, treated with hydro-sulphuric acid, furnished sulphuret of arsenic ; and this, heated and acted upon by caustic potass, afforded a portion of shining matter, which was easily dissolved in distilled water, by directing upon it a current of oxygen gas. By these various experiments, the fact of a considerable quantity of arsenic having been administered was demonstrated at the end of seven years.

29. THE BOOK TRADE.—A meeting of the principal publishers and booksellers was held at the Chapter coffee-house, for the purpose of discussing certain usages necessary to support the respectability of the trade, and to maintain profits at a fair rate. For some time past, the publishers of new works and the majority of booksellers have regarded with a feeling very different from complacency the practice which had sprung up, and was daily extending, of selling new works under the publishing price. This practice had been resorted to by persons, who, in order to produce quick sales, instead of requiring the profit of twenty-five per cent allowed to the trade, were satisfied with half, or even less, and endeavoured to force a sale by a reduction from the publication price equal to the remainder. A number of the principal publishers and booksellers some time since formed themselves into a committee, and framed certain resolutions for the prevention of this practice. These resolutions, which had been agreed to, and signed by no less than 650 persons, declared generally

the injurious effects of the practice; and, for its prevention, proposed, that no new work should be sold by retail at more than ten per cent under the publisher's price, and that for ready money; and that no publisher should sell to persons acting in violation of this rule. The term "new work" in the resolution gave rise to great latitude and uncertainty of interpretation; and to fix with precision the determinate meaning it should bear, was the principal object of the meeting. The purport of the resolutions adopted on this subject was as follows:—The trade in books, which were not protected by copyright, it was not intended to interfere with. There every man should be left to act on his own discretion, as he might deem most for his own interest; but with respect to the new works, which the whole trade must have, and which they all had on the same terms, it could not be allowed that a few should (perhaps for some temporary purpose) reduce the fair profits, and unfairly innovate upon the business of all the rest of the trade. The term *new works* should therefore be confined to books published or reprinted within the last two years, or protected by copyright. These were the works which the resolutions declared should not be sold more than ten

per cent under the publishers' price, and that only for ready money, except in a case where the publisher himself had lowered the price at a trade sale, or by selling at a trade sale by auction.

FRENCH ARMY.—The following is the return made by the Minister of War to the King in Council of the number of Officers, including the last Annual General Promotion:

Marshals of France	....	12
General Staff Officers	....	2,608
Officers of the King's Household (Gardes du Corps)		1,449
Do. of the Gendarmerie Royale	.....	670
Do. Cavalry Garde Royale (French)	.....	565
Do. Infantry do. do. (French)		590
Do. Swiss Guards (Garde Suisse)	.....	196
Do. Regular Cavalry	.....	2,540
Do. Infantry of the Line (French)	.....	7,187
Do. do. do. (Swiss)	...	425
Do. Artillerie Royale	.....	1,180
Do. Engineers	.....	268
Do. Waggon Train	....	54
Do. Garrison Companies	...	254
Do. Medical Staff	... ..	320
Do. Veterinary Surgeons	...	140
Do. Commissaires de Guerre (Commissariat)	... ..	120
Total		18,778

APPENDIX TO CHRONICLE.

LIST
OF THE KING'S MINISTERS IN 1829.

Duke of Wellington	<i>First Lord of the Treasury.</i>
Rt. hon. Henry Goulburn	<i>Chancellor of the Exchequer.</i>
Lord Lyndhurst	<i>Lord Chancellor.</i>
Earl Bathurst	<i>President of the Council.</i>
Earl of Rosslyn	<i>Lord Privy Seal.</i>
Rt. hon. Robert Peel	<i>Secretary of State for the Home Depart.</i>
Earl of Aberdeen	<i>Secretary of State for Foreign Affairs.</i>
Right hon. sir George Murray	<i>Secretary of State for the Colonies.</i>
Viscount Melville	<i>First Lord of the Admiralty.</i>
Right hon. John Charles Herries	<i>Master of the Mint.</i>
Lord Ellenborough	<i>President of the Board of Control.</i>
Right hon. W. V. Fitzgerald	<i>{ Treasurer of the Navy, and President of the Board of Trade.</i>

The above form the CABINET.

Rt. hon. sir Henry Hardinge	<i>Secretary at War.</i>
Viscount Beresford	<i>Master-general of the Ordnance.</i>
Duke of Montrose	<i>Lord Chamberlain.</i>
Marquis Conyngham	<i>Lord Steward.</i>
Duke of Leeds	<i>Master of the Horse.</i>
Marquess of Winchester	<i>Groom of the Stole.</i>
Right hon. Charles Arbuthnot	<i>Chancellor of the Duchy of Lancaster.</i>
Right hon. John Calcraft	<i>Paymaster of the Forces.</i>
Viscount Lowther	<i>First Commissioner of Land Revenue.</i>
Thomas P. Courtenay, esq.	<i>Vice President of the Board of Trade.</i>
Duke of Manchester	<i>Postmaster-general.</i>
Lord Robert E. H. Somerset.	<i>Lieut.-general of the Ordnance.</i>
Sir James Scarlett, knt.	<i>Attorney-General.</i>
Sir Edward B. Sugden, knt.	<i>Solicitor-General.</i>

IRELAND.

Duke of Northumberland	<i>Lord Lieutenant.</i>
Right hon. sir Anthony Hart, knt.	<i>Lord Chancellor.</i>
Lieut.-gen. sir John Byng	<i>Commander of the Forces.</i>
Lord Francis Leveson Gower	<i>Chief Secretary.</i>
Right hon. sir G. Fitzgerald Hill, bart.	<i>Vice Treasurer.</i>
hon. Henry Joy	<i>Attorney-General.</i>
Doherty, esq.	<i>Solicitor-General.</i>

SHERIFFS FOR THE YEAR 1829.

<i>Bedfordshire</i>	William Dodge Cooper Cooper, of Toddington, esq.
<i>Berkshire</i>	George Henry Cherry, of Denford, esq.
<i>Buckinghamshire</i>	Henry William Mason, of Amersham, esq.
<i>Cambridge and Huntingdonshire</i>	Richard Orton, of Upwell, esq.
<i>Cheshire</i>	Laurence Armistead, of Cranage, esq.
<i>Cornwall</i>	Gordon Will. Francis Gregor, of Trewarthenick, esq.
<i>Cumberland</i>	Edward Williams Hasell, of Dalemaine, esq.
<i>Derbyshire</i>	William Evans, of Alestree, esq.
<i>Devonshire</i>	Sir Humphrey Phineas Davie, of Creedy, bart.
<i>Dorsetshire</i>	William Boucher, of the Close, Sarum, esq.
<i>Essex</i>	Brice Pearse, of Monkham in Woodford, esq.
<i>Gloucestershire</i>	William Blathwayte, of Dyrham Park, esq.
<i>Herefordshire</i>	William Gordon, of Haffield, esq.
<i>Hertfordshire</i>	Charles Phelips, of Briggins Park, esq.
<i>Kent</i>	Thomas Rider, of Broughton Place, esq.
<i>Leicestershire</i>	Joshua Grundy, of the Oaks, esq.
<i>Lincolnshire</i>	Richard Thorold, of Weelsby House, esq.
<i>Monmouthshire</i>	Thomas Fothergill, of Caerleon, esq.
<i>Norfolk</i>	Andrew Fountaine, of Narford, esq.
<i>Northamptonshire</i>	Samuel Amy Severne, of Thenford, esq.
<i>Northumberland</i>	Sanderson Ilderton, of Ilderton, esq.
<i>Nottinghamshire</i>	John Sherwin Sherwin, of Bramcote Hills, esq.
<i>Oxfordshire</i>	Thomas Cobb, of Calthorp, esq.
<i>Rutlandshire</i>	George Finch, of Burley, esq.
<i>Shropshire</i>	Charles Kynaston Mainwaring, of Okley Park, esq.
<i>Somersetshire</i>	Sir Alexander Hood, of Wootton, bart.
<i>County of Southampton</i> ..	John Bateman, of Knipersley, esq.
<i>Staffordshire</i>	William Edward Nightingale, of Embly, esq.
<i>Suffolk</i>	John Ruggles Brise, of Clare, esq.
<i>Surrey</i>	Felix Calvert Ladbroke, of Headley, esq.
<i>Sussex</i>	Sir Charles Montolieu Lamb, of Beauport, bart.
<i>Warwickshire</i>	James Watt, of Aston Hall, esq.
<i>Wiltshire</i>	Geo. Heneage Walker Heneage, of Compton Bassett, esq.
<i>Worcestershire</i>	Edward Rudge, of Abbey Manor House, esq.
<i>Yorkshire</i>	George Osbaldeston, of Ebberston.

SOUTH WALES.

<i>Breconshire</i>	John Parry Wilkins, of Maesderwen, esq.
<i>Cardiganshire</i>	Morris Davies, of Aberystwith, esq.
<i>Carmarthenshire</i>	Sir William Dundas, of Llanelly, bart.
<i>Glamorganshire</i>	William Crawshay, jun., of Cyfarthfa Castle, esq.
<i>Pembrokeshire</i>	William Edwardes Tucker, of Sealytram, esq.
<i>Radnorshire</i>	John Morris, of Newchurch, esq.

NORTH WALES.

<i>Anglesey</i>	Henry Prichard, of Madyn, esq.
<i>Carnarvonshire</i>	Daniel Vawdrey, of Plasgwynant, esq.
<i>Denbighshire</i>	William Lloyd, of Bryn-Estyn.
<i>Flintshire</i>	Edward Pemberton, of Plas Isa, esq.
<i>Merionethshire</i>	William John Banks, of Dolymoch, esq.
<i>Montgomeryshire</i>	Wythen Jones, of Rhieuport, esq.

BIRTHS.

JANUARY.

1. At Clyffe Hill, Wilts, the wife of major W. Fawcett, a son.
3. At Little Marlow, Bucks, the wife of the rev. James Allan Park, a son.
— At the Palace, Bishopthorpe, the lady of sir J. V. B. Johnstone, of Hackness, bart. a son and heir.
4. At Penenden-heath, Maidstone, the lady of lieutenant-colonel Tod, a daughter.
8. At Bruges, the lady of sir David Cunynghame, a son.
10. At Sledmere, the lady of sir Tatton Sykes, bart. a daughter.
15. At Anspach House, Southampton, the lady of sir Matthew Blackiston, a son.
18. At the Warden's lodgings, Merton College, Oxford, lady Carmichael Anstruther, a son.
19. At the Manor-house, Hertingfordbury, the wife of the hon. and rev. Robert Eden, a son.
— At Wrotham-park, the seat of George Byng, esq. M. P. lady John Thynne, a daughter.
24. At Ashton Giffard, the wife of W. Codrington, esq. a son.
25. At Millbrook, the lady of sir Charles Dalrymple, a daughter.
— The wife of William Blundell, esq. of Crosby-hall, Lancashire, a daughter.
27. At Knowle House, the wife of Edmund de Penthyeny O'Kelly, esq. of Clongory, a son.
28. At Hooton Pagnel House, near Doncaster, the lady Louisa Duncombe, a son.
29. At Mapperton House, Dorset, the lady of sir Molyneux Hyde Nepean, bart. a daughter.
30. At the lodgings, University College, Oxford, the wife of the rev. Dr. Rowley, the Master, a son.

FEBRUARY.

2. At Oxford, the wife of Dr. Ogle, a son.
— At Gordon Castle, the seat of the duke of Gordon, the wife of James Duff, esq. a daughter.
5. In Guernsey, the wife of the Rev. C. W. Stocker, Principal of Elizabeth College, a son.
12. At Ashford-hall near Ludlow, the

wife of Captain Litchfield, R. A. a daughter.

12. At Upper Sheen, Surrey, the wife of col. C. S. Fagan, C. B. a daughter.
17. The wife of F. D. Lempriere, Head Master of St. Olave's Grammar-school, a son; her fifteenth child.
18. At Crouch-end, the wife of Christopher J. Magnay, esq. a son.
19. In Upper Montagu-street, the wife of Frederick Solly Flood, a son.

MARCH.

1. At Chacombe Priory, Northamptonshire, the lady of H. J. Pye, esq. a daughter.
19. At Highlands, Sussex, the lady of John Durand Baker, esq. a daughter.
24. In Clarges-street, the lady of sir W. Scot, of Ancrum, bart. a son.

APRIL.

1. At Paris, lady Perceval, a son and heir.
3. In Lower Grosvenor-street, the wife of J. S. W. Sawbridge Erie Drax, esq. of Charborough Park, Dorset, a daughter.
7. At Oxford, the wife of the late rev. Dr. Nicoll, Regius Professor of Hebrew in that University, a daughter.
10. At Pentrepant, Salop, the lady of sir W. H. Clerke, bart. a son.
11. At Hampstead, the wife of T. W. Beaumont, esq. M. P. a son and heir.
— Lady Alice Peel, a son.
— In Dublin, the countess of Mil-town, a son and heir.
— At Florence, lady George William Russell, a son.
13. The countess of Sheffield a daughter.
17. In Curzon-street, lady Jane Walsh, a son.
19. At Dublin, the viscountess Dunganon, a son and heir.

MAY.

2. In Spring-gardens, lady Georgiana Agar Ellis, a son.
5. The wife of Dr. Gilbert, Principal of Brazenose Col. Oxford, a daughter.
8. At Ashling-house, Sussex, the wife of Captain Rich, R. N. a daughter.
11. At East Sheen, the hon. Mrs. Penrhyn, a daughter.
12. At St. John's Wood, the wife of J. W. May, esq. Consul-general of the Netherlands, a son.

BIRTHS.

17. At Rome, the wife of major-gen. Tolley, a daughter.

20. At Headley-grove, Surrey, the hon. Mrs. C. Boulton, a daughter.

— At Castlecraig, the right hon. Lady Napier, a daughter.

24. At his seat, Kilmory, Argyleshire, the lady of sir John Powlett Orde, bart. a daughter.

31. At Stanmer, Sussex, the countess of Chichester, a daughter.

Lately. At Newbridge, Derry Daulish, the residence of her father, colonel Rochfort, M. P. the lady of E. W. Meade, esq. a son and heir.

— In Arlington-street, lady Mary Stephenson, a daughter.

JUNE.

4. In Bryanstone-square, the wife of Joseph Hume, esq. M. P. a son.

11. At Dublin, the countess of Erroll, a daughter.

12. The lady of lieutenant-col. George Pollock, C. B. Bengal Army, a son.

13. At Totteridge-park, the lady of J. Browne, esq. M. P. a daughter.

14. In Connaught-place, the lady of sir C. H. Coote, bart. M. P. a son.

15. At Rookwood, Surrey, the right hon. Lady Charles Spencer Churchill, a daughter.

In Grosvenor-square, the countess of Mountcharles, a daughter.

17. At Englefield-green, the wife of Lieutenant-colonel Salway, a daughter.

— In Stratford-place, the lady of G. W. Tapps, esq. M. P., a son.

21. At Kinsale, the wife of captain G. H. Boldero, 10th Regiment, a son.

22. In Langham-place, the lady of sir G. Heathcote, bart. M. P. a son.

— In Upper Portland-place, the wife of Henry St. George Tucker, esq. a daughter.

23. In Hill-street, Berkeley-square, lady C. N. Grenville, a son.

24. At Horfield Court, near Bristol, the wife of W. R. Alder, esq. of Horncliff House, Berwick, a son and heir.

25. At Weldon Rectory, lady Louisa Finch Hatton, a daughter.

26. In Charles-street, Berkley-square, lady Augusta Baring, a son.

30. The wife of rev. Dr. Goodenough, a daughter.

JULY.

4. At Mendham Harleston, Norfolk, the wife of sir G. Crewe, bart. a daughter.

8. At Barkby-hall, Leicester, the wife of George Pochin, esq. a son.

9. Lady Henry Cholmondeley, a son and heir.

12. In Portman-square, the wife of Eyre Coote, esq. of West-park, Hampshire, and Leopardstown, Dublin, a daughter.

13. Lady Emma Portman, a son.

— In Upper Brook-street, the wife of captain Ellice, R.N. a daughter.

— The wife of G. C. Norton, esq. M. P. a son.

14. In Grosvenor-square, the countess of Cawdor, a son.

— At Westport, the marchioness of Sligo, a daughter.

21. In Great Portland-street, the wife of G. A. Moultrie, esq. of Aston-hall, Shropshire, a son.

22. At West Rounton, at her father's, the lady of sir Thomas Pasley, bart. a son and heir.

23. At Kirtlington Park, lady Dashwood, a daughter.

— At Montague-house, Portman-square, the hon. Mrs. H. Montague, a daughter.

— At Sandon, lady G. Stuart Wortley, a daughter.

25. At Barrow-upon-Trent, Derby, the hon. Mrs. Beaumont, a son.

27. At Woodhall-park, the wife of the hon. A. L. Melville a son.

Lately. Lady Forbes, of Craigievar, a daughter.

AUGUST.

1. At Creedy, the wife of lieutenant-colonel Ferguson, a daughter.

— At Sandhurst, the right hon. lady H. Paget, a daughter.

4. The wife of the right hon. R. Peel, a son.

6. At Edinburgh, the wife of captain Basil Hall, R. N. a daughter.

7. In Hereford-street, the countess of Guildford, a son and heir.

8. At Upton-house, near Poole, the wife of Edward Doughty, esq. a son and heir.

12. At Diston-house, Gloucestershire, the hon. Mrs. S. Gist, a daughter.

24. The lady of sir Alexander Hood, bart. high sheriff of the county of Somerset, a daughter.

26. The wife of James Reid, M. D. Charlotte-street, Bloomsbury-square. a daughter.

28. Lady Elizabeth Drummond, a son.

BIRTHS.

31. At Wycombe Abbey, Bucks, lady Granville Somerset, a son.

Lately. At Cheam, the wife of R. Vernon Smith, esq. M. P. a daughter.

— In Dublin, the lady of sir J. Frazer, bart. lieutenant-colonel 7th Hussars, a son.

— In Dublin, the wife of J. H. Hutchinson, esq. M. P. a son.

SEPTEMBER.

3. At Wentworth, viscountess Milton, a daughter.

4. At Highlands, near Calne, the wife of W. Wayte, esq. a son and heir.

5. At Hempstead-court, Gloucestershire, lady J. Somerset, a son.

6. At Great Horkesley Rectory, Essex, the lady of sir A. Henniker, bart. a daughter.

8. In Langham-place, the wife of the hon. W. Cust, a son.

12. In Belgrave-street, the hon. Mrs. Smith, a daughter.

15. In Cavendish-square, the lady of sir M. S. Stewart, a son.

— In Wilton-crescent, the wife of Digby Wrangham, esq. a son.

16. At Sandwell, the Countess of Dartmouth, a daughter.

20. At Kingston-grove, Oxfordshire, the hon. Mrs. W. Rodney, a son and heir.

22. At Pewsey, the wife of the hon. and rev. F. Pleydell Bouverie, a daughter.

26. The wife of lieutenant-colonel Wilson, Chelsea-college, a son.

27. At Gloucester, Lady F. Banks, a son.

OCTOBER.

1. At Bonshill, Staffordshire, lady Jane Peel, a son.

8. At the Hills, Douglas, Isle of Man, the hon. Mrs. Alexander Murray, of a son and heir.

9. The wife of major R. C. Pollock, a daughter.

— In Clarges-street, the wife of lieutenant-colonel sir W. Herries, a son.

— At Moccass-court, the lady of sir G. Cornwall, bart. a daughter.

11. At Leamington Priory, the wife of captain G. Baker, R. N. of twin daughters, one still-born.

13. In London, Lady Catherine Buckley, of twin boys.

13. At Kinnaird, Forfarshire, lady Carnegie, a son.

15. At Derrynoyd-lodge, Ireland, the wife of the hon. Justice Torrens, a daughter.

17. The wife of the rev. Charles Wodsworth, Preb. of St. Paul's, &c., a daughter.

— At Sarsden, the hon. Mrs. Langton, a daughter.

— In Fitzwilliam-square, Dublin, Lady Douglas, a daughter.

21. In Portland-place, lady M. Ross, a son.

— The wife of lieut.-col. Wallace, late major in the king's dragoon guards, a daughter.

28. At Nice, the wife of the right hon. Thomas P. Courtenay, a daughter.

29. At Bishop's-court, the seat of lord Graves, the hon. Mrs. C. Heneage, a daughter.

— At Chalford, Gloucestershire, lady Prevost, a daughter.

Lately. At Anne's-grove, Cork, the wife of lieut.-gen. the hon. A. Annesley, of a daughter.

At Knapton, the hon. Mrs. Vesey, a daughter.

At Gopsall, the countess Howe, a son.

At Goodwood, the duchess of Richmond, a son.

NOVEMBER.

2. At Ramsgate, the wife of lieut.-col. C. King, a daughter.

— In Park-crescent, Portland-place, the hon. Mrs. Shaw, a daughter.

— The right hon. countess of Dunraven, a son.

4. At Bromley-palace, the lady Sarah Murray, a son.

7. At Runnymede, the hon. Mrs. N. Reid, a daughter.

8. At Elvetham, Hampshire, lady Charlotte Calthorpe, a son.

9. At Torquay, the wife of lieutenant-colonel Elphinstone, a daughter.

12. In Charles street, Berkeley-sq., lady J. Hobhouse, a daughter.

— At Brighton, the hon. Mrs. Fazakerley, a son.

14. At the Palace, Bangor, the wife of captain Majendie, a son.

— In Upper Grosvenor-street, the lady of sir James Fitzgerald, bart. a daughter.

— Lady Conway, a daughter.

22. At Eaton-place, the wife of Chas. Brownlow, esq. M. P. a daughter.

BIRTHS.

10. At Whitehall-house, the hon. Mrs. Wardlaw, a son.

12. At Normanby, lady Sheffield, a son.

24. At Castle Bromwich, the countess of Bradford, a daughter.

Lately. At Argyle-house, the countess of Aberdeen, a son.

At Moulsey-hurst-house, the wife of lieut.-col. D. St. Ledger Hill, a daughter.

The lady of lord Clanmorris, a son.

At Florence, the wife of Thos. Jones Ireland, esq. a son.

In Bedford-square, the wife of W. J. Lysley, esq. barrister-at-law, a daughter.

DECEMBER.

1. At Brighton, the hon. Mrs. Anderson, a daughter.

At Deighton Grove, near York, the wife of J. H. Fletcher, esq. surveyor, General Post Office, a daughter.

4. At the General Post Office, Mrs. Freeling, a son.

7. In Wilton-crescent, lady Frances Higginson, a daughter.

9. In Fitzwilliam-square, Dublin, the viscountess Bangor, a son.

14. At Port Eliot, lady Jemima Eliot, a son.

17. At Mistle Hall, the wife of the right hon. the Speaker of the House of Commons, a daughter.

23. At Alpha Lodge, the wife of major-general Ashworth, a son.

— At Heydon Hall, Norfolk, the wife of W. Lytton Bulwer, esq. a son.

29. In St. James's-place, the wife of Archdeacon King, a son.

30. In Portland-place, the wife of Abel Smith, esq. M. P. a son.

31. The hon. Mrs. Ferguson, a daughter.

Lately. At Maidstone, the wife of lieutenant-colonel Tod, a son.

At Eslington-house, the hon. Mrs. Liddell, a daughter.

In Bloomsbury-square, the wife of W. Ward, esq. M. P. a son.

Lady Harriet Clive, a son.

Cocks, to Frances Mercy, daughter of H. Bromley, esq. of Abberley Lodge.

1. At Lewisham, the rev. Edwin Kempson, of Castle Bromwich, Warwickshire, to Mary, youngest daughter of Jasper Thomas Holmes, esq. of Blackheath.

8. At Dean, co. Lancaster, L. B. Hollingshead, esq. of Stanwell, Middlesex, to Eliza, second daughter of the late rev. W. Hampson.

14. At Hayes, capt. Currie, R.N. to Jane, third daughter of the late Charles Boynton Wood, esq.

17. At Brighton, W. Champion, esq. 15th hussars, to Harriet, eldest dau. of T. R. Kemp, esq. M.P.

21. At Bath, the rev. E. Dewdney, to Emily, youngest daughter of lady Eleanor Lindsey.

22. At St. George's Hanover-square, the earl Cornwallis, to Miss Laura Hayes.

— At Pontefract, Robert Smith, esq. to Esther Ann, eldest daughter of Edw. Truman, esq. banker.

27. At St. George's, Hanover-square, lieut.-col. Wyatt, first life-guards, to Martha, widow of the late Cynne Lloyd, esq.

— At Trinity Church, St. Mary-le-bone, lieut. John Wainwright, C. B., lieut.-governor of Portsmouth, to Elizabeth, second daughter of S. Powell, esq. of Upper Harley-street.

— At Westbury-upon-Trym, Alfred George, esq. of Lawrence-Weston, to Eliza, second daughter of W. Edwards, esq. of Salisbury.

31. At Kensington, Robert Thew, esq. major, Bombay artillery, to Jane, eldest daughter of Robert Forbes, esq. of Kensington.

FEBRUARY.

2. At St. James's, the rev. Walter Davenport Bromley, of Baginton, Warwickshire, to the lady Louisa Dawson, daughter of the earl of Portarlington.

3. At Marlston, Berks, capt. Versturme, only son of sir Louis Versturme, of Bath, to Anne Elizabeth, only daughter of the late Benj. Bunbury, esq. of Marlston House.

— George, eldest son of Samuel Newton, esq. of Croxton Park, Cambridgeshire, to Charlotte, daughter of general Onslow, of Staughton House, Huntingdonshire.

10. At Crediton, the rev. W. Moles-

MARRIAGES.

JANUARY.

1. At Abberley, co. Worcester, the rev. H. Somers Cocks, rector of Leigh, only son of the late hon. Reginald

MARRIAGES.

worth, rector of St. Breoke, &c. Cornwall, second son of the late sir W. Molesworth, bart. to Frances Susanna, third daughter of the late James Buller, esq. of Downes, Devon.

11. At St. Peter's, Dublin, the rev. Robert Trail, son of the archdeacon of Connor, to Anne, eldest daughter of the late sir Samuel, and sister of the present sir Edm. Hayes, bart. of Drumboe Castle Donegal.

12. At the Rectory, Mary-le-bone, the rev. Robert Anderson, to the hon. Caroline Dorothea Shore, third daughter of lord Teignmouth.

— At Mary-le-bone Church, the hon. H. Stafford Jerningham, eldest son of lord Stafford, to Miss Howard, daughter to the late Edward Howard, esq. F.R.S. and niece to his grace the duke of Norfolk.

17. At St. George's Hanover-square, lieut.-colonel Freemantle, Coldstream guards, to Agnes, third daughter of the late David Lyon, esq. of Portland-place.

— At Trinity Church, St. Mary-le-bone, T. J. Ireland, esq. to Elizabeth, daughter of sir W. Earle Welby, bart. of Denton-Hall, Lincolnshire.

18. At St. George's, Charles Scrase Dickins, esq. to lady F. Eliza Compton, sister of the present marquis of Northampton.

19. At Walton, Burton-on-Trent, John, eldest son of Theophilus Levett, esq. of Witchner Park, co. Stafford, to Sophia Eliza, third daughter of the hon. Robert Kennedy.

20. At Malta, Thomas Lewis Gooch, esq. youngest son of sir Thomas Gooch, bart. M.P. of Benacre-hall, Suffolk, to Anne Europa, eldest daughter of col. hon. W. H. Gardner, and niece to the late vice-adm. lord viscount Gardner.

— At St. Mary's, Bryanstone-square, lord Bingham, to the lady Anne Brudenell, youngest daughter of the earl of Cardigan.

26. At Stoke Damarel, Devonshire, R. N. Julian, esq. only son of major Julian, of Estover, near Plymouth, to Fanny, second daughter of John Briggs, esq. of Devonport.

Lately. At Lincoln, the rev. W. J. Charlton Staunton, only son of the rev. Dr. Staunton, of Staunton-Hall, Notts, to Isabella, only daughter of the dean of Lincoln.

— At Berkswell, Warwickshire, Geo. Graham Blackwell, esq. of Ampney Park, Gloucestershire, to Eliz. Emma,

eldest daughter of sir E. Eardley Wilmot, bart.

MARCH.

2. At St. Alban's, S. F. T. Wyld, esq. barrister-at-law, to Margaret, youngest daughter of P. Martineau, esq.

3. At the Rectory-House, St. Mary-le-bone, J. F. W. Herschell, esq. of Slough, Bucks, to Margaret Brodie, second daughter of the late rev. Dr. Alex. Stewart, Canongate, Edinburgh.

6. At Dalry House, Edinburgh, T. H. Graham, esq. of Edmond Castle, Cumberland, to Mary, daughter of the late sir David Carnegie, of Southesk, bart.

9. At All Souls, Langham-place, Bertram Mitford, esq. of Mitford Castle, Northumberland, to Frances, eldest daughter of the late capt. H. Mitford, R.N. of Fisbury, Hants.

10. Capt. Henry Bentinck, Coldstream guards, youngest son of major-gen. John Charles and lady Jemima Bentinck, to Receira Antoinette, daughter of adm. sir James Hawkins Whitshed, K.C.B.

11. At Worcester, Chas. Wm. Warner, esq. son of lieut.-col. Warner, to Isabella, eldest daughter of — Carmichael, esq. of Bromwich-hill.

12. At Mitcham, Surrey, Wm. Seymour, esq. barrister-at-law, to Sarah Lydia, eldest daughter of the late lieut.-gen. sir Henry Oakes, bart. of Mitcham-Hall.

— At Brimfield, Salop, R. C. Hall, second son of the late Benj. Hall, esq. M.P. of Hemsol Castle, Glamorganshire, to Mary Anne Wade, of Leominster, Herefordshire.

20. At Bath, the rev. Hamilton Chichester, son of the late col. Chichester, of Arlington Court, co. Devon, to Mary Eliz. Bateman, of Darley-Abbey, co. Derby, only daughter of the late Rich. Bateman, esq.

24. At Devon, the rev. A. Johnson, professor of Anglo-Saxon in the University of Oxford, to Eliz. Clark, only child of the late John Daniell, esq. of Hendford House, Somerset.

— At Bath, the rev. H. Stonhouse Vigor, preb. of Ledbury, grandson of the late sir James Stonhouse, bart. and nephew of the bishop of Hereford, to Louisa Burt, eldest daughter of John Taylor, esq. M.D. of Bath.

26. At St. Pancras, James Cockburn, esq. of Devonshire-square, to Madeline-Susan, eldest daughter of John Dunlop,

MARRIAGES.

esq. of Tain, Ross-shire, and niece to sir T. Wallace Dunlop.

26. At Old Windsor, H. Every, esq. of Eggington-Hall, Derby, to the hon. Caroline Flower, second daughter of viscount Ashbrook.

— At St. George's, Hanover-square, the earl Nelson, to Hilare, widow of George Ulric Barlow, esq. and third daughter of sir Robert Barlow, K.C.B.

— At Cheltenham, the rev. H. Withy, to Christian Dottin, fourth daughter of the late hon. John Gay Alleyne, bart. of Barbadoes.

— At Cheltenham, col. Stacpoole, son of the late Geo. Hogan Stacpoole, esq. of Cragbrian Castle, co. Clare, to Jane Wasey, of Prior's Court, Berkshire, eldest daughter of the late John Wasey, esq.

— At Saucethorpe, John-George Pole, esq. eldest son of sir W. Templer Pole, bart. of Shute House, Devon, to Margaretta, second daughter of H. Barton, esq. of Saucethorpe Hall, Lincolnshire.

28. At Clatford, John Hill, esq. of Standen House, Wilts, to Sarah, youngest daughter of the late Wm. Richards, esq. of Clatford, Hants.

31. At viscount Middleton's, Upper Brook-street, the rev. Wm. John Brodrick to the hon. Harriet Brodrick, third daughter of viscount Middleton.

Lately. Viscount Stormont, eldest son of the earl of Mansfield, to Louisa, third daughter of Cuthbert Ellison, esq. M.P.

APRIL.

2. At Poddington, Bedfordshire, W. Oakes Blount, esq. of Delves House, Sussex, only son of sir Charles Burrell Blount, to Frances Charlotte, fifth daughter of the late Richard Orlebar, esq. of Hinwick House.

— At St. George's, Bloomsbury, Frederick Patten, esq. R.N. to Alicia Cavendish, daughter of Wm. Hillier, esq. of Boley-hill, Rochester.

6. At St. George's, Hanover-square, the hon. G. H. Talbot, brother of the earl of Shrewsbury, to Miss Augusta Jones, of Green-street, Grosvenor-square.

7. At Ardingly, H. Williams, esq. of Gray's Inn, to Harriot Louisa, second daughter of Gibbs Crawford, esq. of Lywood, Sussex, and niece to the countess Winterton.

7. The hon. J. H. Roper Curson, fourth son of lord Teynham, to Isabella, daughter of the late col. Hodgson, E. I. C.

8. At Sandhurst, lieut.-gen. Butler, to Ann, eldest daughter of sir John Bateman.

9. At Edinburgh, John Page Read, esq. of Crow Hall, Suffolk, to Helen, second daughter of sir James Colquhoun, bart. of Luss.

11. At Bathwick, W. Francis Knatchbull, esq. of Babington, Somerset, to Emma Louisa, daughter of the late Charles Gordon Gray, esq. of Stratton House.

— At Malabar Point, Bombay, capt. sir C. Malcolm, knt. R.N. superintendent of marine, to Elmira-Riddell, youngest daughter of major-gen. Shaw.

12. At Paris, R. H. Gowland, esq. eldest son of the late R. Gowland, esq. M.P. to Anne Boseawen, only daughter of R. M. Barnard, esq. E. I. C.

18. At St. James's, John Wm. Fisher, esq. to Louisa Catherine, eldest daughter of the late Wm. Haymes, esq. of Kibworth, Leicestershire, and niece to sir W. B. Cave, bart. of Stretton Hall, Derbyshire.

20. At Chichester, the rev. H. Hayman Dodd, to Francis Elizabeth, eldest daughter of the rev. Dr. Holland, and grand daughter of the late lord chancellor Erskine.

21. At High Clere, the rev. J. C. Stapleton, to lady Harriott Elizabeth Herbert, daughter to the earl of Carnarvon.

— The hon. and rev. Charles George Perceval, third son of lord Arden, and rector of Calverton, Bucks, to Mary only daughter of the rev. Primatt Knapp, rector of Shenley.

— Peter Freeland, esq. jun. of Castle Craevie, co. Galloway, N. B. to Ann, daughter of W. C. Lake, esq. of Castle Godwyn, Gloucestershire.

22. At Kew, Surrey, Geo. Arbuthnot, esq. only son of col. sir Rob. Arbuthnot, to Augusta, youngest daughter of the late Christopher Papendick, esq.

25. At St. Ann's, Dublin, the rev. Charles Bushe, rector of Castlehaven, second son of the right hon. the lord chief justice, to Fanny Elizabeth, second daughter of the late James Bury, esq. of St. Leonard, Essex.

28. At St. George's, Hanover-square, capt. Henniker, R. N. only brother of the right hon. lord Henniker, to Anne

MARRIAGES.

Eliza Elizabeth, daughter of the late hon. lieut.-gen. sir Brydges Henniker, and sister to the present baronet.

28. At Brighton, John Wilmer Field, esq. of Heaton-hall and Helmsley-lodge, co. York, to Isabella Helena, daughter to the late capt. Elliott Salter, R.N.

MAY.

5. At Tichborne, the right hon. lord Dormer, of Grove Park, Warwickshire, to Elizabeth Anne, eldest daughter of sir Henry Tichborne, bart.

— At Hastings, the rev. Edward Cardwell, professor of ancient history in the University of Oxford, and rector of Stoke Bruern, co. Northampton, to Cecilia, youngest daughter of the late H. Feilden, esq. of Witton House, Lancashire.

— At Hampton, Octavius Hanbury, esq. son of the late Charles Hanbury, esq. of Halstead Hall, Essex, to Mary Armstrong, daughter of the late Edw. Strettell, esq. Advocate-general, E. I. C.

6. At Mary-le-bone Church, John, eldest son of John Archer Houblon, esq. of Hallingbury-place, Essex, and of Welford, Berks, to Anne, daughter of capt. W. Deans Dundas, R. N. and grand-daughter of Charles Dundas, esq. M.P. for Berks.

8. At Sandhurst, lieut.-gen. Butler, to Ann, eldest daughter of sir John Bateman.

18. At Charlton Kings, Gloucestershire, the rev. W. Spencer Phillips, to Penelope, youngest daughter of the late commodore Broughton, and niece of sir John Delves Broughton, bart. of Doddington Hall, co. Chester.

19. At the British Ambassador's Chapel, Paris, Charles Hay Seton, esq. 5th drag. guards, second son of the late sir Alex. Seton, bart. of Abercorn, to Caroline, daughter of Walter Parry Hodges, esq.

20. At St. James's, Westminster, T. Gabb, esq. of Abergavenny, to Marcia, daughter of the late sir Christ. Willoughby, bart.

26. At Wargrave, Berks, Edmond Currie, son of J. E. Currie, esq. of Standlake Park, to Margaret, third daughter of the late George Valentine Cooke, esq. of Hertford-street, London.

29. At Florence, sir Grenville Temple, bart, to Mary, daughter of George Baring, esq.

JUNE.

1. At Paris, Robert Bree, M. D. of George-street, Hanover-square, to Elix. widow of major Malkin, late of the 21st dragoons.

— At St. George's, Hanover-square, T. Calverley, esq. of Ewell House, Surrey, to Elizabeth Goldwyer, widow of the late C. Blagrove, esq. of Berkeley-square.

4. At St. George's, Hanover-square, Robert Dering, esq. rifle brigade, to Letitia, youngest daughter of the late sir George Shee, bart. of Lockleys, co. Hertford.

— At Christchurch, St. Mary-le-bone, Adam Duff, esq. third son of R. W. Duff, esq. of Fetteresso Castle, Kincardineshire, N. B. to Eleanor, eldest daughter of the late capt. Thos. Fraser, of Woodcot House, Oxfordshire.

— At Bloomsbury, the rev. William Brownlow, to Fanny, only daughter of R. J. Chambers, esq. of Middle Temple, and grand-daughter of the late sir Robert Chambers, chief justice of Bengal.

6. At Bombay, H. Smith, esq. lieutenant-col. 1st light cavalry, to Elizabeth, eldest daughter of the hon. sir P. Grant, judge of the Supreme Court of Bombay.

8. At Coolattin Park, co. Wicklow, the seat of earl Fitzwilliam, Wm. Wentworth Fitzwilliam Hume, esq. of Hume-wood, to Margaret Bruce, eldest daughter of Robert Challoner, esq. of Guisborough, co. York.

9. At Bramdean, Wilts, sir John Maxwell Tylden, to Elizabeth, only daughter of the rev. H. Lomax Walsh, LL.D. of Grimblethorpe, Lincolnshire.

13. At St. George's, C. R. Pemberton, esq. to Henrietta, eldest daughter of N. W. Peach, esq. M.P. of Ketteringham Hall, Norfolk.

16. At St. Mary-le-bone Church, Western Wood, youngest son of alderman Wood, M. P. to Sarah Letitia, youngest daughter of John Morris, esq. of Baker-street.

— At St. George's, Hanover-square, Charles E. Henry, esq. to Jane, youngest daughter of the late Ed. Horlock Mortimer, esq. of Bellefield House, Wilts.

— At Bath, W. W. Huntley, esq. to Emily Theresa, eldest daughter of sir Lewis Versturme.

18. J. R. Wise, esq. late consul-gen. in Sweden, to Jane Hannah, only daughter of the late col. Elliston, of Sudbrook

MARRIAGES.

Holme, co. Lincoln, and widow of H. R. Drummond, esq.

22. At Blendworth, Michael Seymour, esq. capt. R.N. second son of sir M. Seymour, bart. to Dorothea, eldest daughter of sir William Knighton, bart.

23. At St. James's, lord Wriothesley Russell, fourth son of the duke of Bedford, to Eliza Laura Henrietta, youngest daughter of lord Wm. Russell.

— At Exeter, B. C. Greenhill, esq. of Puriton, Somerset, to Henrietta, daughter of lieut.-col. Macdonald, and grand-daughter of the celebrated Flora Macdonald.

24. At Great Thornham, Suffolk, John Longueville, eldest son of J. J. Bedingfield, esq. of Ditchingham Hall, Norfolk, to the hon. Mary, second daughter of the right hon. lord Heniker.

29. At St. Mary-le-bone Church, Sheffield Grace, esq. second son of the late Richard Grace, esq. M.P. of Boley, and brother of sir Wm. Grace, bart. to Harriet Georgiana, second daughter of lieut.-gen. sir John Hamilton, bart.

Lately. In Dublin, the rev. R. Pakenham, son of admiral the hon. sir T. Pakenham, to Harriet Maria, youngest daughter of the late right hon. Denis Brown, M.P.

— At Hereford, the rev. F. H. Brickenden, vice-provost of Worcester-college, Oxford, to Miss Anne Coyle.

JULY.

6. At Kingston, near Portsmouth, capt. Edwin Rich, R.N. son of the late sir Charles Rich, bart. of Shirley House, Hants, to Sophia, youngest daughter of capt. G. F. Angelo, of Hill, Southampton.

— At Eccles, Henry, second son of the late Stephen Tempest, esq. of Broughton Hall, Yorkshire, to Jemima, second daughter of Tho. Jos. Trafford, esq. of Trafford-park, Lancashire.

7. At Granton, near Edinburgh, Hercules James Robertson, esq. advocate, to Ann Wilhelmina, daughter of the right hon. Charles Hope, lord president of the court of session.

8. At All Souls, Mary-le-bone, capt. Taylor, 4th Madras cavalry, to Henrietta, youngest daughter of the late Christopher Saville, esq. M.P. of Park-street, Westminster.

— At Melton Mowbray, Francis Grant, esq. to Isabella Elizabeth, third

daughter of Richard Norman, esq. and niece to the duke of Rutland.

14. At Midhurst, Sussex, rev. J. W. Geldart, LL.D. regius professor of civil law, Cambridge, to Mary Jane, third daughter of Richard Wardroper, esq.

— At All Souls, Mary-le-bone, Robt. youngest son of the late Geo. Sandilands, esq. of Nut-hill, Fife, to Mary, youngest daughter of the late sir Charles Style, bart. of Watlington, Kent.

— At All Souls, Langham-place, capt. Andrew Ellison, 60th rifle corps, to Betsy Edwards, daughter of the late Henry Smith, esq. of Harley-street.

15. At Berne, Jervoise Clark Jervoise, esq. eldest son of the rev. sir Samuel C. Jervoise, bart. of Idsworth-park, Hants, to Georgiana, youngest daughter of G. N. Thompson, esq. of Chapel-street, Grosvenor-place.

18. At Gilling, Yorkshire, Samuel Ware, esq. to Mary Divett, widow of the late Thomas Divett, esq. M.P.

20. At Kensington, major-gen. Newbery, to Margaret, widow of the late rev. Inigo Jones, of Chobham-place, Surrey, and daughter of the late lieut.-gen. H. R. Gale.

21. At Wimbledon, Alex. Atherton Park, esq. second son of the hon. Mr. Justice Park, to Mary Frances, daughter of the late George Brown, esq. of Russell-square.

— At Paston, Northamptonshire, J. Madan Maitland, esq. of Alwalton, Hunts, eldest son of general Maitland, of Bryanston-square, London, to Harriet Rawlins, eldest daughter of the rev. Joseph Pratt.

— At the Marquis Wellesley's, Regent's-park, sir Richard Hunter, to Miss Dulany, of Brighton.

— In Portman-square, by special licence, the hon. Edward Petre, to the hon. Laura Maria Stafford Jerningham, fourth daughter of the right hon. lord Stafford; the ceremony having been previously performed according to the rites of the Roman Catholic church by the right rev. Dr. Bramston.

AUGUST.

17. At Paris, baron Henry de Maupoint, eldest son of field marshal baron de Vaudeuil, of Marseilles, to Rosalie, eldest daughter of Humphry Bowles, esq. formerly of Burford, Somerset, and lately of Fontainebleau.

— In the Island of Anglesey, Cha,



MARRIAGES.

Eden, esq. fourth son of the late sir Fred. Eden, bart. of Truir, Durham, to Emma, second daughter of sir Robt. Williams, bart. M.P. of Fryars.

17. At Cheltenham, Richard Webber, esq. to Eliza-Mary, eldest daughter of lieut.-col. Foster, R.A.

22. At Bakewell, co. Derby, Francis Hurst, esq. to Cecilia Emily, youngest daughter of Richard Norman, esq. and lady Elizabeth Norman.

25. At Great Chesterford, A. H. Pearson, esq. to Isabella, daughter of the hon. and rev. Richard Fitzgerald King, and grand-daughter of the late earl of Kingston.

26. At Hackford, Norfolk, the rev. J. H. Harris, principal of York college, Upper Canada, to Charlotte Ann, third daughter of the rev. J. B. Collyer.

27. At South Warnborough, Hants, the rev. W. J. Walker, of Southrop, co. Gloucester, to Louisa-Emily, youngest daughter of the late Mr. Serj. Manley, commissioner of Excise.

— At Brighton, James Campbell, esq. barrister-at-law, to Eliza-Matilda, eldest daughter of J. Moore, esq. of Montpellier Lodge.

28. At St. Pancras Church, Wm. T. Jemmett, esq. barrister-at-law, to Laura, eldest daughter of sir Edw. B. Sugden.

SEPTEMBER.

1. Edw. Amos Chaplin, esq. of Upper Bedford-place, Russell-square, to Georgiana, third daughter of Benj. Morland, esq. of Sheepstead House, Berks.

— At Woodford, Essex, Charles Simpson Hanson, esq. of Constantinople, to Charlotte, only daughter of the late hon. Robert Smith, M.D. Speaker of the House of Assembly in Tobago.

— At Mary-le-bone, James Rust, esq. barrister and fellow of the University College, Oxford, to Susannah Catherine, only daughter of lieut. col. Rowles.

— At Petworth, capt. the hon. Arthur Richard Turnour, R. N. second son of the earl of Winterton, to Charlotte-Fitzherbert, eldest daughter of the late George Daysh, esq. of Petworth.

2. At Aldingbourne, Sussex, visc. Andover, eldest son of the earl of Suffolk, to Isabella, second daughter of the late lord Henry Howard, and niece to the duke of Norfolk.

— At Roundhay, the rev. W. H. Bathurst, rector of Berwick-in-Elmet,

to Mary-Anne, youngest daughter of the late Mat. Rhodes, esq. of Leeds.

3. At Cheltenham, the rev. Lake Booker, LL.D. vicar of Dudley, to Elizabeth, youngest daughter of the late John Barclay, esq. M.D. of Conduit-street, London, and niece of the late col. sir Robert Barclay, R.C.B.

— At Gosford, Geo. Grant Suttie, esq. of Balgone and Preston Grange, to the lady Harriet Charteris, daughter of the right hon. the earl of Wemyss and March.

5. At Messenden Bury, Herts, capt. Thurston, R.N. of Talgarth to Eliza, second daughter of admiral Sotheby.

8. At St. Mary-le-bone Church, R. Harvey, esq. of Langley Park, to Anne, daughter of vice-admiral sir W. Hotham.

10. At Merthyr-mawr, Glamorganshire, the very rev. Cha. Scott Loxmore, dean of St. Asaph, to Katherine, youngest daughter of the right hon. sir John Nicholl.

12. At Paris, Adam Durnford, Gordon, esq. of the Bengal military service, to Harriet-Elizabeth, only child of the late Robert Gordon, esq. formerly governor of Berbice.

15. At Blunham, Bedfordshire, S. E. Thornton, esq. to Julia-Anne-Frances, second daughter of J. Campbell, esq. of Blunham House, and niece to W. Wyndham, esq. M.P.

22. At Tichborne, Hants, the hon. H. B. Arundell, brother of lord Arundell, to Frances-Catherine, second daughter of sir H. Tichborne, bart.

23. At Burnley, Lancashire, Theophilus H. Ingram, esq. only son and heir-at-law of the late Agnatus Ingram, esq. and grandson of the lady Margaret Hastings, daughter of Theophilus, the eighth earl of Huntingdon, to Mary, only daughter of the late J. Thomson, esq. and niece of J. Thomson, esq. of Primrose, near Clitheroe.

— At Berne, in Switzerland, the rev. Horatio Montagu, to Ann-Elizabeth, only daughter of the late Thomas Wood, esq. Madras engineers, and niece to the late sir Mark Wood, bart.

24. At St. George's, Hanover-square, John Cockerell, esq. to Joanna-Mary, eldest daughter of the late brig-gen. Catlin Crauford.

26. At Exeter, Oliver Constable, esq. of Redland, to Eliza, eldest daughter of rear-admiral Cumberland.

28. At Biddisworth, Wyndham

MARRIAGES.

Berkeley Portman, esq. to Sarah, only daughter of Thomas Thornhill, esq. of Riddlesworth Hall, Norfolk.

28. At Watford, the rev. Nathaniel Wodehouse, vicar of Worle and Dulverton, to Georgiana, third daughter of the hon. and rev. William Capel, vicar of Watford.

— At Fairlight, near Hastings, the rev. Edward Auriol, to Georgiana-Barbara, third daughter of the late Edward Morris, esq. and grand-daughter of the late lord Erskine.

— At Paris, Thomas Stapleton, esq. of the Grove, Richmond, Yorkshire, to Henrietta-Lavinia, second daughter of the late Richard Fitzgerald Anster, esq. of Calcutta, and niece of sir H. Meredith, bart.

30. At Iver, the rev. T. G. Tyndall, rector of Holton, co. Oxford, to Miss Ann Sullivan, daughter of the right hon. John Sullivan, of Richings Lodge, Bucks.

— At Windmill-hill, Sussex, Howard Elphinstone, esq. only son of sir Howard Elphinstone, bart. C.B. to Eliz. Julia, youngest daughter of Edw. Jer. Curteis, esq. M.P.

OCTOBER.

1. At Milford, Wilts, Thomas Le Marchant Saumarez, esq. second son of admiral sir James Saumarez, bart. to Catherine Spencer Beresford, youngest daughter of the late col. Vassall; and at the same time and place, the rev. Edward Pering Henslowe, chaplain to the royal artillery at Woolwich, to Honora-Mary-Georgina, eldest daughter of that distinguished officer.

6. At St. George's, Hanover-square, lieut.-col. the hon. Seymour Bathurst, third son of earl Bathurst, to Miss Julia Hankey, only daughter of Mrs. Hankey, of Grosvenor-square.

10. At Trinity Church, Mary-le-bone, capt. Richard Fletcher, gren. guards, to Miss Judith Baillie.

13. At St. Mary's, Bryanston-square, John Searle, jun. esq. to Harriet, eldest daughter of the late John Talbot, esq. and sister to the present earl of Shrewsbury.

14. At Ruddington, near Nottingham, capt. Edward A. Cotton, late R. A. to Amelia, daughter of the late rev. Wm. Smelt, rector of Gedling, and niece to the late earl of Chesterfield.

15. At Kirby Stephen, J. E. Vivian,

esq. of Warkworth, to Anne, eldest daughter of J. Brougham, esq.

20. At Cowfold, Robert Aldridge, esq. of St. Leonard's Forest, Horsham, to Caroline-Anne Beauclerk, eldest daughter of C. G. Beauclerk, esq. of St. Leonard's Lodge, and grand-daughter to the late duchess of Leinster.

22. At Fulham, lieut.-col. J. R. Ward, C.B. second son of the hon. Robt. Ward, of Bangor, in Ireland, to Catharine-Frances, eldest daughter of John Pensam, esq. of Fulham.

— At Talacre, Flintshire, Charles Stanley, esq. son of the late sir William Stanley, bart. of Hooton, to Barbara, eldest daughter of sir Edward Mostyn, bart.

26. At Dawlish, the rev. Wm. Multon Blencowe, to Maynard-Anna, eldest daughter of col. Rochfort, M.P. for Westmeath.

— At Ganton, near Scarborough, R. Alexander, esq. barrister-at-law, to Matilda, eldest daughter of sir T. Legard, bart. of Ganton Hall.

27. At St. George's, Hanover-square, David Baillie, esq. of Audley-square, to Miss Stewart, only daughter of lady Stewart, and niece to the countess of Aberdeen.

— In the Isle of Wight, George Broadrick, esq. of Hamphall Stubbs, co. York, to Jane, daughter of the late sir Richard Fletcher, bart.

28. Rev. Charles Barnwell, of Mileham Hall, Norfolk, to Sophia, daughter of the late George Wyndham, esq. of Cromer Hall.

NOVEMBER.

2. In the city of Baltimore, Jerome Napoleon Buonaparte to Susan May, only daughter of the late Benjamin Williams.

3. At Kippax, S. Crompton, esq. M.P. of Wood-end, to Isabella-Sophia, daughter of the hon. and rev. A. H. Cathcart, and niece of earl Cathcart.

— At Cheekley, C. W. Martin, esq. nephew to the duke of Atholl, to Sarah, eldest daughter of the rev. C. B. Charleswood, of Oakhill, Staffordshire.

— At St. Paul's, Covent-garden, Wm. Harding Read, esq. consul-general for the Azores Islands, to Louisa-Mitchell Read.

— At Chester, the rev. Robert V. Law, third son of the bishop of Bath

MARRIAGES.

and Wells, to Sidney-Dorothea, daughter of the late col. Davison.

3. J. W. Fane, esq. M.P. of Wormsley, Oxfordshire, to Ellen-Catharine, third daughter of the hon. Thomas Parker, brother to the earl of Macclesfield.

8. At Cramlington, Northumberland, major Scott, 17th lancers, to Alicia-Eliza, eldest daughter of the late rev. H. Forster Mills, chancellor of York.

10. At the earl of Rosslyn's, St. James's-square, Bethell Walrond, esq. M.P. of Monrath, Devonshire, to the right hon. lady Janet St. Clair, only daughter of the earl of Rosslyn.

11. At the seat of the duke of Beaufort, Stoke Gifford, major-gen. Orde, to lady Eliz. O'Brien, widow of lord Edw. O'Brien.

12. At St. George's, Hanover-square, major Bruce, to Isabella, third daughter of col. Bassett, and niece of the late sir Richard Bassett.

14. At Christchurch, Mary-le-bone, J. C. Cowell, esq. to F. A. Hester, daughter of the rev. Rich. Brickenden, and niece of the earl of Cavan.

17. At St. George's, Hanover-square, John Dunlop, esq. gren. guards, eldest son of lieut.-gen. Dunlop, to C. C. Jackson, daughter of major-gen. sir R. Downes Jackson, K.C.R.

21. At Sidmouth, Winsloe Phillipps, esq. capt. 7th hussars, to Cath. Aurora, only daughter of the late col. James A. Kirkpatrick, E.I.C.

23. At Ellingham, Northumberland, H. S. Stephens, esq. to Mary, eldest daughter of the late Thos. Haggerston, esq. and niece to sir Carnaby Haggerston, bart.

— At Weymouth, R. Holden, esq. 4th dragoon guards, to Margaret, dau. of the late Bayles Wardell, esq. of Weymouth.

24. At Paris, R. S. Puget, esq. son of the late rear-adm. sir Peter Puget, to Cornelia, third daughter of the late J. Wallace, esq. of the Madras civil service.

30. At Upholland, co. Lancaster, John, eldest son of Thomas Woodcock, esq. of Bank House, to Sarah, eldest daughter of J. A. Hodson, esq. M.P. of Holland-grove.

DECEMBER.

2. At Thaydon Garmon, Essex, the rev. G. Ainslie, D.D. master of Pembroke College, Cambridge, to Emily,

second daughter of W. C. Marsh, esq. of Park Hall, Essex.

7. At Dublin, the hon. Robert King, M.P. eldest son of viscount Lorton, to Miss Anne Booth Gore, only sister of sir R. B. Gore, bart. of Lissadell, co. Sligo.

8. At Mitchelstown, co. Cork, Philip Davies Cooke, esq. of Owston, co. York, and Gwysaney Hall, co. Flint, to lady Helena Caroline King, eldest daughter of the earl of Kingston.

— At Gosforth, co. Northumberland, Wm. Henry Ord, esq. M.P. to Frances Vere Lorraine.

— At St. Mary's, Bryanstone-square, J. B. Coulson, esq. capt. gren. guards, to Juliana Elizabeth, only child of the late rev. Edward Dawkins, of Portman-square.

— At St. Mary-le-bone, Jas. Greenwood, esq. of Golden-square, surgeon, to Ann Sophia, youngest daughter of the dowager lady Synge, of Manchester-street.

14. At St. George's, Hanover-square, capt. Wm. Locke, son of Wm. Locke, esq. (late of Norbury Park), to Selina, fifth daughter of admiral and lady Eliz. Tollemache.

15. At Hampton, John Kingston, esq. of Queen-Anne-street, to Louisa-Henrietta, second daughter of the late sir C. Edmonstone, bart. and grand-dau. of Beaumont lord Hotham.

— At St. George's, Hanover-square, capt. Cuthbert, 2nd life-guards, to the hon. Jane Graves.

— At Prestwich, William Ewart, esq. M.P. to Mary-Anne, eldest daughter of the late George Augustus Lee, esq. of Singleton, near Manchester.

24. At Cranford, James Maxse, esq. to the lady Caroline Fitzhardinge Berkeley, second daughter of the late earl of Berkeley.

— At Radbourn, Derbyshire, Henry Dixon, esq. of Gledhow, Yorkshire, to Emma Matilda, second daughter of the rev. Edward Sacheverel Wilmot, M.A. late rector of Langley, and niece of sir Robert Wilmot, of Cheddeaden.

31. At Troy, Monmouth, the hon. P. H. Abbott, brother to lord Colchester, to Frances-Cecil, daughter of the late Dr. Talbot, dean of Salisbury, and niece to the duke of Beaufort.

Lately. At Paris, Miss Frances Ellinor Allen, niece of lady Mahon, of Hull, Yorkshire, to Mons. De Thiery, son of the Baron de Thiery, Chateau de Thiery, at Bopdy, near Paris.

PROMOTIONS.

PROMOTIONS.

JANUARY.

GAZETTE PROMOTIONS.

8. The hon. Harriet Anne Curzon, one of the two surviving daughters, and coh. of Cecil, late baron Zouche of Haryngworth, to be baroness Zouche of Haryngworth.

19. Lieut.-gen. sir James Kempt, 81st foot, to be colonel; 81st ditto, major-gen. sir Richard Downes Jackson, royal Staff corps, to be colonel.

— *Garrisons*.—Lieut.-gen. sir Wm. Inglis, to be governor of Cork.—Lieut.-gen. John Sullivan Wood, to be lieut.-gov. of Kinsale.

20. Duke of Wellington, K. G. the office of constable of his majesty's Castle of Dover; and Warden and keeper of the Cinque Ports.—John Vaughan, esq. baron of the court of Exchequer, knighted.

Royal Staff Corps.—Major Henry Du Vernet, and major Fred. W. Mann, to be lieutenant-colonels.

Unattached.—Brevet lieut.-col. Geo. Dairs Wilson, 4th foot, and major Rob. Wallace, 1st. drag. guards, to be lieut.-colonels of infantry.

MEMBERS RETURNED TO PARLIAMENT.

Cumberland.—Sir James Robt. Geo. Graham, bart. of Netherby, vice John Christian Curwen, esq. dec.

NAVAL PREFERMENTS.

Sir M. Seymour, bart. K.C.B. is appointed commissioner of Portsmouth dock-yard; commissioner Ross (from Malta), to the dock-yard of Plymouth; and commissioner Briggs (from Bermuda) in the Sheerness yard.

Rear-admiral Thomas Baker to supersede sir Robert W. Otway, K.C.B. in the command of our naval force on the coast.

ECCLESIASTICAL PREFERMENTS.

Rev. Dr. Wilson, Rural Dean of Southampton.

Rev. J. Graham, a Preb. in Lincoln cathedral.

— Rev. T. Singleton, a Preb. in Worcester Cathedral.

CIVIL PREFERMENTS.

The right hon. the lord Mayor (Alderman Thompson) to be pres. of Christ's Hospital.

William Helps, esq. to be treasurer of St. Bartholomew's Hospital.

Joseph Timm, esq. to be solicitor to the Stamp-office.

FEBRUARY.

GAZETTE PROMOTIONS.

2. Hugh duke of Northumberland, to be lieut.-gen. and gen.-governor of Ireland.

4. Captains and Brevet-majors Rich. Jones and J. E. Jones, to be lieutenant-colonels.—Royal engineers: capt. H. W. Vavasour, to be lieutenant-colonel.

9. Lieutenant-colonel Edw. Purdon, Royal African corps, to be lieut.-col.

11. Lord Willoughby d'Eresby to be lord lieutenant of Carnarvonshire.

MEMBERS RETURNED TO PARLIAMENT.

Bath.—Earl of Brecknock; major-gen. C. Palmer; one or other of them.

Clifton Dartmouth Hardness.—Arthur Howe Holdsworth, esq. vice sir Hatton Cooper, bart. dec.

East Grinstead.—Viscount Holmsdale, vice the hon. Charles Cecil Cope Jenkinson, now earl of Liverpool.

Plymouth.—Admiral sir Geo. Cockburn, re-elected.

Whitchurch.—The hon. J. R. Townshend.

ECCLESIASTICAL PREFERMENTS.

Rev. J. M. Turner, to be bishop of Calcutta.

Rev. T. Robinson, to be archdeacon of Madras.

Rev. J. H. Seymour, Preb. in Gloucester Cathedral. Rev. J. James, Preb. of Peterborough.

Rev. C. Webber, Jun. Canon residentiary of Chichester.

CIVIL PREFERMENTS.

Mr. Sheriff Copeland, to be alderman of the Ward of Bishopgate, London.

PROMOTIONS.

GAZETTE PROMOTIONS.

23. 63rd foot, lieut.-colonel Holman Custance, to be lieutenant-colonel.

Unattached, major Thomas Perrennet Thompson, 65th foot, to be lieutenant-colonel of infantry.

26. Edwin Barnaby, of Baggrave-hall, Leicester, esq. colonel, to be one of his majesty's Privy Chamber in Ordinary.

MARCH.

GAZETTE PROMOTIONS.

14. Royal En. — Capt. S. Romilly, to be lieutenant-colonel

16. J. S. Wanley Sawbridge, of Charborough Park, Dorset, esq. and Jane Frances, his wife, to take and use the names of Erle Drax, in addition to that of Sawbridge.

19. 16th Foot, lieutenant-col. Lionel Smith Hook, from the Ceylon regiment, to be lieutenant-colonel.

— Ceylon regiment, lieut.-colonel Henry Bird, 16th foot, to be lieut.-col.

21. Lieutenant-general sir Henry Fane, G.C.B. to be Master-surveyor and surveyor-general of the Ordnance.

Unattached, major James Holmes Schoedde, 60th foot, to be lieutenant-colonel of infantry.

Brevet. lieut.-general George earl of Dalhousie, G.C.B., to have the local rank of general in the East Indies only; colonel James Butler, Royal Invalid Artillery, to be major-general; major-general James Butler, to be lieut.-gen.

Colonel sir George Scovell, K.C.B. of the royal Waggon Train, to be lieutenant-governor of the royal Military College.

MEMBERS RETURNED TO PARLIAMENT.

Aldeburgh.— Marquis of Douro, *vice* Wyndham Lewis, esq.

Bath.—The earl of Brecknock.

Carlisle.—Sir W. Scott, bart. *vice* sir George Graham, bart.

Corfe Castle.—P. J. Miles, of Leigh-court, Somerset, esq. *vice* N. W. Peach, esq.

Edinburghshire.—Sir George Clerk, of Penicuik, bart. re-elected.

Launceston.—sir J. W. Gordon, bart.

Marlborough.—T. H. Sutton Buck-

nall Estcourt, esq. *vice* earl Bruce; W. I. Bankes, esq. *vice* hon. T. Wodehouse.

Newark-upon-Trent.—Michael Thomas Sadler, esq. *vice* lieutenant-general sir William Henry Clinton.

Newport (Cornwall). — Right hon. W. G. Vesey Fitzgerald.

Oxford University.— Robert Harry Inglis, D.C.L. *vice* the right hon. Robert Peel.

Ripon.—Geo. Spence, of Pall-mall, London, esq. *vice* sir R. H. Inglis, bart.

Truro.—John Scott, esq. commonly called lord viscount Encombe, *vice* lord Fitzroy Somerset; Nath. William Peach, esq. *vice* Wm. Edw. Tomline.

Westbury.—The right hon. Robert Peel, *vice* sir Manasseh Manasseh Lopes, bart.

ECCLESIASTICAL PREFERMENTS.

Rev. R. A. Musgrave, Preb. of Windsor.

CIVIL PREFERMENTS.

The following legal appointments have lately been made at the Colonial-office: —Baron Field, esq. late chief justice of New South Wales, to be civil judge at Gibraltar: William Norris, esq. barrister, to be principal, and Jackson Perring, esq. barrister, to be deputy advocate Fiscal at Ceylon.

APRIL.

GAZETTE PREFERMENTS.

4. James Dewar, esq. chief justice of the Supreme Court of Judicature at Bombay, knighted.

8. Right hon. Robert Gordon, ambassador to the sublime Ottoman Porte.

13. Life Guards, capt. Hugh W. Barton, to be major and lieutenant-colonel.

27. 53rd Regiment, lieut.-col. James Considine, to be lieut.-col.—67th ditto, major hon. H. R. Molyneux, to be lieutenant-colonel.

29. W. R. Cosway, esq. of Bilsington, Kent; captain J. Franklin, R. N.; W. Seymour, esq.; W. Campbell, esq.; captain W. E. Parry, R. N.; and W. Anglin Scarlett, esq. chief justice of Jamaica, knighted.

Unattached, major John Townsend, 14th dragoons, to be lieutenant-colonel of infantry.

PROMOTIONS.

MEMBERS RETURNED TO PARLIAMENT.

Colchester.—Richard Sanderson, of Upper Harley-street, esq. *vice* sir G. H. Smyth, esq.

Sandwich.—General sir H. Fane, *vice* sir E. W. C. R. Owen.

CIVIL PREFERMENTS.

Lieut.-colonel sir Wm. Young, bart. to be a director of the East India Company.

R. Pollen, esq. barrister-at-law, to be one of the six clerks in Chancery.

ECCLIASTICAL PREFERMENTS.

Rev. T. Gaisford, Preb. in Durham Cathedral.

Rev. E. B. Sparke, Preb. in Ely Cathedral.

Rev. E. Thorp, Preb. in Durham Cathedral.

MAY.

GAZETTE PROMOTIONS.

8. Major-general sir James Carmichael Smyth, bart. to be governor and commander-in-chief of the Bahama Islands.

11. Edward A. W. Drummond Hay, esq. to be consul-general in Morocco.

18. *War-office.*—14th light dragoons, major John Townshend to be lieut.-col. —30th foot, lieut.-general sir Thomas Bradford, 94th foot to be colonel.—94th foot, major-gen. sir John Keane, to be colonel.

22. 90th foot, lieut.-col. lord George W. Russell, to be lieutenant-colonel.

Unattached.—Major W. Bush, 99th foot, to be lieut.-col. of infantry.

Major Standish O'Grady, 24th foot, to be lieutenant-colonel of infantry.

Brevet.—Major-general sir T. Sydney Beckwith, K. C. B. to be lieut.-gen. in the East Indies only, sir T. Beckwith having been appointed commander-in-chief of the company's forces at Bombay.

MEMBERS RETURNED TO PARLIAMENT.

Shire of Ayr.—W. Blair, esq. of Blair.

East Looe.—H. Thomas Hope, esq. of Dutchess-street, London.

Hereham.—Earl of Surry.

ECCLIASTICAL PREFERMENTS.

Rev. G. Hodson, archdeacon of Stafford and canon residentiary of Litchfield Cathedral.

Rev. T. S. Smyth, Preb. in Exeter Cathedral.

CIVIL PREFERMENTS.

Right hon. James Ochoacar lord Forbes to be high commissioner to the general assembly of the church of Scotland.

JUNE.

GAZETTE PREFERMENTS.

4. Right hon. sir W. Draper Best, knt. to be baron Wynford, of Wynford Eagle, county Dorset.

— Col. Fred. Wm. Trench to be storekeeper of the Ordnance of the United Kingdom.

— The earl of Rosslyn to be a member of the privy council, and keeper of the privy seal.

— Right hon. sir Nicholas Conyngham Tyndal to be lord chief justice of the court of Common Pleas, and sworn of the privy council.

— Edward Burtenshaw Sugden, esq. appointed solicitor-general, and knighted.

10. Lieut.-gen. lord R. E. H. Somerset to be lieut.-gen. of the ordnance of the United Kingdom.

— Sir James Welwood Moncrieff, bart. to be one of the lords of justiciary in Scotland.

22. Earl of Ashburnham, to be a knight of the Garter.

24. Right hon. Robert viscount Melville, K. T.; right hon. sir Geo. Cockburn, G. C. B.; sir H. Hotham, K. C. B.; sir Geo. Clerk, bart.; and visc. Castle-reagh; to be commissioners for executing the office of the high admiral of the United Kingdom.

24. Adam Rolland, esq. to be clerk of the king's processes in Scotland.—John Tait, esq. to be sheriff-depute of the shires of Clackmanan, and Kinross.

25. 73rd foot, major-general sir Fred. Adam K. C. B. to be colonel.

— *Garrisons.*—Gen. Thomas lord Lynedoch, G. C. B. to be governor of Dumbarton-castle.

— Royal engineers, captain George Graydon, to be lieut.-col.

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PROMOTIONS.

30. William Pennell, esq. to be consul-general in Brazil.—John Barker, esq. to be consul-general in Egypt.—Richard W. Brant, esq. to be consul at Smyrna.

Cork.—Gerard Callaghan, esq. vice sir N. C. Colthurst, deceased.

ECCLESIASTICAL PREFERMENTS.

Richard Bagot, D. D. to be bishop of Oxford.

MEMBERS RETURNED TO PARLIAMENT.

Aldeburgh.—Spencer Horsey Kilderbee, of Great Glenham, Suffolk, esq.

Cambridge Town.—Col. Frederic W. Trench, re-elected.

Cambridge University.—W. Cavendish, esq.

Tralee.—Robert Vernon Smith, of Savile-row, Middlesex, esq.

Weymouth and Melcombe Regis.—Sir Edward Burtenshaw Sugden, knt. re-elected.

Wexford.—Sir Robert Wigram, knt.

ECCLESIASTICAL PREFERMENTS.

Rev. H. T. Payne, archd. of Carmarthen, with the Preb. of Llanrian annexed.

Rev. J. Lupton, a minor canon of St. Paul's Cath. and of Westminster Abbey.

JULY.

GAZETTE PROMOTIONS.

30. Henry Unwin Addington, esq. to be Envoy Extraordinary to the Catholic king.—George W. Chad, esq. to be minister Plenipotentiary to the Diet at Frankfort.—W. Turner, esq. to be envoy extraordinary to the Republic at Colombia.—George Hamilton Seymour, esq. to be secretary to his majesty's embassy to the Ottoman Porte.—lord Albert Conyngham, to be secretary to his majesty's Legation at Berlin.—The hon. J. Duncan Bligh, to be secretary to his majesty's legation at Florence.

CIVIL PREFERMENTS.

Lieutenant-colonel Rowan and Mr. Mayne have been appointed to the two new offices under the Metropolitan Police Act; and John Wray, esq., to be receiver under the act.

R. Smith, esq. of Buckden, and R. Swan, esq. of Lincoln, to be principal registrars of the Diocese and Constitutional Court of Lincoln.

MEMBERS RETURNED TO PARLIAMENT.

Corfe Castle.—George Bankes, esq.

AUGUST.

GAZETTE PROMOTIONS.

1. William Gregson, esq. to be writer of the London Gazette.

3. 13th ditto, Brevet lieut.-col. sir R. Moubray, to be major.

7. Lord Granville C. H. Somerset; R. Gordon, esq. M. P.; lord R. Seymour; lord Ashley; hon. C. W. W. Wynn; sir George Henry Rose; hon. Frederic Gough Calthorpe; W. Ward, esq. M. P.; Francis Baring, esq. M. P.; George Byng, esq. M. P.; Charles N. Palmer, esq. M. P.; Thomas Barrett Lennard, esq. M. P.; Charles Ross, esq. M. P.; sir G. F. Hampson, bart.; hon. B. Bouverie; colonel J. Clitherow; Drs. Turner, Bright, Southey, Drever, and Hume, to be commissioners for licensing and visiting all houses within the cities of London and Westminster, and within seven miles thereof, for the reception of lunatics.

10. 11th dragoons, capt. J. R. Rotton, to be major.—13th foot, captain J. Johnson, to be major.—34th ditto, lieut.-col. C. R. Fox, to be lieut.-col.—53rd ditto, capt. T. Butler, to be major.

12. Lord Albert Conyngham, secretary to his majesty's Legation at Berlin, knighted.

25. 17th foot, lieut.-col. John Austin, to be lieut.-col.—44th foot, major R. Macdonald to be lieut.-col.—2nd West India reg. lieut.-col. F. Cockburn to be lieutenant-colonel. and capt. hon. J. Montague to be capt. and lieut.-col.—17th foot, major H. Despard, to be lieut.-col.

Unattached. Brevet lieut.-colonel C. Holland Hastings to be lieut.-col.—Brevet lieut.-col. Matthias Everard, from the 13th foot, to be lieut.-col.—Brevet col. George W. Phipps to be major-gen. in the army.

To be lieut.-colonels of infantry by purchase, majors T. Reed, 53rd foot; and B. J. Smith, 11th dragoons.

MEMBERS RETURNED TO PARLIAMENT.

County of Clare.—Daniel O'Connell, of Derinane-abbey, co. Kerry, esq.

PROMOTIONS.

County of Down.—Visc. Castlereagh.
County of Wicklow.—R. Howard, of
 Bushy-park.

SEPTEMBER.

GAZETTE PROMOTIONS.

16. John Hayes, esq. commodore E. I. C.; R. H. Cunliffe, esq. lieutenant-col. commandant E. I. C.; Jeremiah Bryant, esq. lieutenant-col. E. I. C. knighted. lieutenant-col. T. N. Harris to be Brigade major on the staff of major-gen. sir Colin Campbell, at Portsmouth.

— H. J. Shepherd, esq. son of sir Samuel Shepherd, a commissioner of bankrupts, and counsel to the Admiralty, has been appointed by the lord chancellor clerk of the Custodies, vacant by the death of lord Thurlow.

— The right hon. Richard earl of Glengall, a representative peer for Ireland.

24. Marquis Conyngham to be governor, captain, constable and lieutenant of Windsor Castle *vice* earl of Harrington.

— *War-office.*—1st Life guards, gen. Stapleton viscount Combermere, G.C.B., to be colonel *vice* general the earl of Harrington, dec.—3rd light dragoons. major-gen. lord George Tho. Beresford. to be colonel.—24th foot, major-gen. sir James Lyon, to be col.—97th foot major-gen. hon. R. W. O'Callaghan, to be colonel.

— *Garrisons.*—Lieut.-general sir G. Murray, to be governor of fort George.

30. *Dublin.*—Charles Scudamore of Wimpole-street, London, M. D. F. R. S. knighted.

ECCLESIASTICAL PREFERMENTS.

Rev. H. Dampier, to a Preb. in Ely Cathedral.

OCTOBER.

GAZETTE PROMOTIONS.

5. 49th foot, gen. sir Gordon Drummond, to be col.—71st foot, major-gen. sir Colin Halkett, to be col.—95th foot, major-gen. sir Arch. Campbell, to be colonel.

12. The right hon. sir Brook Taylor, sworn of his majesty's privy council.

26. 30th foot, major J. Powell, to be lieutenant-col.—54th foot, lieutenant-col. F. L. Nott, and lieutenant-col. A. Kelly, to
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be lieutenant-col.—70th foot, Brevet lieutenant-col. T. Evans, to be lieutenant-col.

— *Unattached.*—Major H. Barrington, 5th foot, and major P. Phipps, 1st dragoons, to be lieutenant-cols.

— *Garrisons.*—Lieutenant-general W. T. Dilkes, to be lieutenant-governor of Quebec.

NOVEMBER.

GAZETTE PROMOTIONS.

2. Royal Artillery, captain and brevet major T. A. Brandreth, to be lieutenant-col.—Royal engineers, captain A. Fraser, to be lieutenant-colonel.

17. John M'Donald, esq. lieutenant-col. E. I. C. and envoy-extraordinary, to the Shah of Persia, knighted by patent.

21. Earl Amherst and earl Howe to be lords of his majesty's bed-chamber.

MEMBER RETURNED TO PARLIAMENT.

Eye.—P. Chas. Sidney, esq. *vice* sir Miles Nightingall, dec.

ECCLESIASTICAL PREFERMENTS.

Rev. C. J. Hoare, archdeacon of Winchester.

Rev. E. Berens, Preb. in Salisbury Cathedral.

DECEMBER.

GAZETTE PROMOTIONS.

7. Right hon. Stratford Canning, and right hon. Robert Gordon, ambassador to the Sublime Ottoman Porte, to be G. C. B.

14. 1st dragoons.—Lieut.-gen. lord R. E. H. Somerset, 17th light dragoons, to be col. *vice* gen. Garth, dec.—17th light dragoons. : major gen. sir J. Elley, to be col.—66th foot, lieutenant-gen. sir W. Anson, to be col.—Ceylon reg.; lieutenant-col. Charles Arch. Macalister, to be lieutenant-col.

17th. 63rd foot, lieutenant-col. Francis Battersby, to be lieutenant-col.—83rd ditto: major hon. Henry Dundas, to be lieutenant-col.—*Unattached*: major A. Hope Patison, 97th foot, to be lieutenant-col. of infantry.

CIVIL PREFERMENTS.

W. Bolland, esq., to be a baron of the Exchequer.

David Pollock, esq., to be recorder of
 P

SECRET

Abstract

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in the context of public administration and financial management.

2. The second part of the document outlines the various methods and tools used to collect, store, and analyze data. It highlights the need for standardized procedures and the use of modern technology to ensure the reliability and integrity of the information collected.

3. The third part of the document focuses on the analysis and interpretation of the collected data. It discusses the importance of identifying trends, patterns, and anomalies, and how these insights can be used to inform decision-making and policy development.

4. The fourth part of the document addresses the challenges and limitations of data collection and analysis. It acknowledges that while technology has advanced significantly, there are still many obstacles to overcome, such as data quality issues, privacy concerns, and the need for skilled personnel to manage and interpret the data.

5. The fifth part of the document provides a summary of the key findings and conclusions. It reiterates the importance of a systematic and transparent approach to data collection and analysis, and offers recommendations for improving the process and ensuring the highest quality of results.

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[The following section contains several pages of extremely faint, illegible text, likely bleed-through from another page.]

1. The first step in the process of the investigation is the identification of the problem. This is done by the investigator who is responsible for the study. The investigator must first identify the problem and then determine the scope of the study. The next step is to design the study. This involves determining the methods to be used and the data to be collected. The third step is to collect the data. This is done by the investigator who is responsible for the study. The fourth step is to analyze the data. This is done by the investigator who is responsible for the study. The fifth step is to interpret the results. This is done by the investigator who is responsible for the study. The sixth step is to write the report. This is done by the investigator who is responsible for the study. The seventh step is to present the results. This is done by the investigator who is responsible for the study. The eighth step is to discuss the results. This is done by the investigator who is responsible for the study. The ninth step is to conclude the study. This is done by the investigator who is responsible for the study. The tenth step is to publish the results. This is done by the investigator who is responsible for the study.

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DEATHS.—JAN.

Peake, esq. formerly treasurer of Drury-lane Theatre, which office he held for upwards of forty years.

11. At Dresden, of apoplexy, **Fred. Von Schlegel**. This celebrated writer was born at Hanover in the year 1772, and was afterwards apprenticed to a merchant in Leipsic; whilst his elder brother, **A. W. Von Schlegel**, was highly distinguishing himself at Gottingen. **Frederic**, however, evincing a decided distaste for the mercantile profession, returned to his father, and was permitted to follow the natural bent of his genius, which led him, during his sojourn at the Universities of Gottingen and Leipsic, to devote himself to the study of languages with exemplary ardour. He entered the lists as an author at a very early age, attracted the attention of the public by the novelty of his opinions on subjects connected with ancient literature, and acquired no little fame by his critical labours in the field of ancient and modern poesy. His first attempts, the "History of Poetry among the Greeks and Romans," which appeared in 1792, and the "Greeks and Romans," which followed in 1797, were very favourably received. At a later period, particularly after his conversion to the Roman Catholic religion, his favourite pursuit was ethics and romantic literature, in which departments his "Prelections on German History," and "History of Literature," have secured him a high reputation. His public lectures on Modern History, and on the Literary Annals of all nations, delivered in 1811—12, created a deep sensation throughout Germany, as combining a high degree of literary attainments with much originality of perception. His manner of viewing and treating these subjects, no less than his dramatic compositions and poems, afforded abundant aliment to the new school of the *Romantesque* in that country, soon after its foundation had been laid, in contra-distinction to the "Classical school," chiefly through the instrumentality of his brother. An overwrought impression of the pre-eminent genius and glory of the middle ages strengthened the principles his mind had already imbibed; and, though himself the son of a Protestant clergyman, he scrupled not to pass over to the Roman Catholic religion, within the exclusive pale of which he conceived the regeneration of that golden epocha to

be placed. Having prevailed upon his wife, a daughter of the celebrated Jewish deist, **Mendelsohn**, to follow his example, he associated himself with **Gentz** and other converts to the same opinion, and in 1808 transferred his residence to Vienna, where he was appointed to the situation of counsellor of Legation in the imperial chancery by prince **Metternich**; and for several years conducted the affairs of secretary to the Austrian envoy at the diet of Frankfort. In 1819 he was allowed to retire from official avocations, from which period he devoted himself entirely to his speculations and studies.

12 At Solihull, Warwickshire, aged 72, the rev. **Charles Curtis, M.A.** rector of that parish and of St. Martin's, Birmingham. He was the youngest brother of the alderman and baronet, who died only six days after him.

13. At Paris, **Miss Haggerston**, sister of sir **Carnaby Haggerston, bart.** of Haggerston.

— At Exmouth, aged 87, **Charles Baring, esq.** uncle to sir **Thomas Baring, bart. M.P.** and younger brother to sir **Francis the 1st baronet**. He married **Margaret**, daughter and heiress of **Wm. Gould, esq.** of East Looe, in Cornwall, and by her had two sons and four daughters; 1. **William**, 2. **Charles**, 3. **Jaquetta**, married in 1791 to sir **Stafford Henry Northcote**, the present and seventh bart. of Pynes in Devonshire, and has a numerous family; 4. **Frances**, married to **Wm. Jackson, esq.** of Cowley in Devonshire; 5. **Eleanor**, 6. **Emily**, 7. **Lucy**, 8. **Caroline**.

— **Mary-Margaret**, wife of **John Haythorne, esq.** of Hill-house, Mangotsfield, and second daughter and co-heiress of **Edward Curtis, esq.** of Mardyeke-house, Clifton.

14. At Clifton-wood-house, the wife of **lieut.-col. Brereton**, inspecting field officer of the Bristol district.

— Aged 63, the rev. **William Villiers Robinson**, rector of Grafton Underwood, and of Irchester cum Wollaston, Northamptonshire; and last surviving brother of sir **George Robinson, bart. M.P.** for Northampton.

— Suddenly, in York-street, Portman-square, the rev. **James Wallace**, eldest son of **John Wallace, esq.** of Golden-square, and first cousin to the right hon. lord **Wallace**. He was of Christ's College, Cambridge, B.A. 1789.

— Suddenly, at the Verulam Arms,
P 2

DEATHS.—JAN

St. Alban's, aged 49, George Digby, esq. captain in the royal navy; brother to rear-admiral Henry Digby, uncle to lady Ellenborough, and cousin to earl Digby. Captain Digby was the fourth and youngest son of the very rev. Wm. Digby, dean of Durham, by Charlotte, daughter of Joseph Cox, esq. He was made a commander R.N. in 1802, and obtained post-rank, Jan. 2, 1806. He was almost constantly employed during the whole of the war, commanding in succession the *Fleche* of 16 guns, *Beagle* 18, *Cossack* 24, and *Lavinia* frigate. Captain Digby married, Sept. 13, 1821, Elizabeth only daughter of the late sir John Benn Walsh, bart.

15. At Shieldgreen, Kirklington, Cumberland, aged about 70, by a most dreadful death from fire, Mr. Thomas Sanderson, long known as a provincial poet and author. He was the only surviving of the seven sons (five of whom died in infancy) of the rev. Mr. Sanderson, of Sebergham, to whom a mural monument was erected in 1795, by his sixth son, the rev. Joseph Sanderson, of Tunbridge, who died some years ago, leaving the subject of this notice a moderate competency. Carefully and classically educated, he for some years taught a school with success. But he had an aversion for the bustle of the world; he neglected the graces, and courted solitude; yet he was sensibly alive to the charms of literature, and his heart was thoroughly imbued with the best feelings of our nature. His personal appearance, latterly, was strongly indicative of the seclusion and loneliness of his life. His head and eye were fine; but his general conformation was little elegant, while, from long practice, his speech and his garb alike partook of rusticity. As an author, Mr. Sanderson first became familiar to the public by various prose and poetical pieces, published many years ago, under the signature of "Crito," by the late Mr. John Ware, in the *Cumberland Pacquet*, then the only newspaper in that county. Subsequently he occasionally contributed to the literary department of the *Carlisle Journal*. In 1800, he published, in *Carlisle*, a small volume by subscription, entitled "Original Poems, by Thomas Sanderson."

16. Aged 87, sir Edward Stracey, bart. of Rackheath-hall, co. Norfolk, the third and youngest son of sir John Stracey, knt. recorder of London from

1746 to 1749, by Mary, daughter of the rev. Gideon Hardinge, vicar of Kingston-upon-Thames.

16. At his apartments, Charing-cross, aged about 40, Joseph Cartwright, esq. late paymaster-general of his majesty's forces in the Ionian Islands, a member of the Society of British Artists, and marine painter in ordinary to the duke of Clarence.

17. At York-place, Clifton, aged 82, G. Merrick, esq. many years clerk of the arraigns in Bristol.

— At Nash-court, Dorsetshire, the seat of his son-in-law, John Hussey, esq. in his 63rd year, Thomas Raymond Arundell, esq. uncle to lord Arundell of Wardour.

— At Vienna, of a milk fever, aged 23, the princess Metternich, the wife of the diplomatist, to whom she had been married eighteen months.

— At Naples, aged 20, J. Maberley, esq. second son of John Maberley, esq. M.P. for Abingdon.

18. At his house at Ramsgate, aged 77, sir William Curtis, baronet, alderman of Bridge-Ward, father of the corporation of the city of London, and formerly one of its representatives in parliament, president of the artillery company, and of Christ's hospital. The family of sir William Curtis was originally from Nottinghamshire. His grandfather and father were settled at Wapping, and established there an extensive trade in sea-biscuit. The latter, at his death, left by Mary, daughter of Timothy Tennant, of Wapping, esq. five sons, Timothy, James, William, George, and Charles. The first and third succeeded to the firm of the original house. James is now the only survivor, and is distributor of sea-policy stamps. George was captain in the service of the East India company, and one of the elder brethren of the Trinity-house, and died in 1819. Charles died the 12th inst. (see the preceding page.) In the year 1785, on the death of Richard Atkinson, esq., a considerable number of the inhabitants of the Tower Ward solicited Mr. William Curtis to take upon him the office of alderman of that district. At that time he was not even a freeman of London; but, at the instance of his friends, he was induced to qualify, and was accordingly elected to that station, which he retained for a period of forty-three years. From his original business he first diverged into the pursuit of the

DEATHS.—JAN.

Greenland South Sea fisheries; and, when his wealth had considerably accumulated, he engaged in the banking-house, formerly known under the firm of Robarts, Curtis, Were, Hornyhold, Berwick, and Co., and latterly as Curtis, Robarts, and Curtis. Mr. Curtis served sheriff with sir Benjamin Hamett, in the year 1789-90; and, a dissolution of parliament occurring in 1790, he was a successful candidate for the City, and came in at the head of the poll. He was re-elected in 1796, 1802, 1806, 1807, 1812, and 1820. Mr. Curtis attained the civic chair in the year 1795, and was raised to a baronetcy December 23, 1802. He kept a yacht at Ramsgate, in which he was accustomed to accompany the favourite cruizes of his present majesty; and his attentions were graciously accepted. On his way to Hanover in 1821, the king embarked at Ramsgate, and honoured sir William's own roof with his presence, both dining and sleeping in the house. In the following year the baronet attended on his royal master in Scotland.

20. At Cheltenham, aged 49, lieutenant-col. Kingston Egan, of the hon. East India company's service, and late commandant at South Concan in the presidency of Bombay. He entered the military profession as cornet in his majesty's 21st light dragoons, Dec. 14, 1796; at the age of fifteen he was nominated a cadet on the Bombay establishment; and, after long service in India, he was in 1804, appointed fort-adjutant at Surat, and in the same and early part of the following year, employed in escorting supplies of provisions and military stores from that port, to the army in the field in Candahar. He was promoted to a captaincy March 13, 1808. In 1817 he was appointed to the command of Anjur in Cutch. He was promoted to the rank of major, Nov. 1, in that year; obtained the command of the marine battalion; and attained the rank of lieutenant-colonel, July 4, 1821.

21. In Park-place, St. James's, aged 46, Thos. Rose, esq.

22. In Mornington-place, aged 80, Mrs. Bland.

23. Suddenly, at his residence in Hampton, aged 68, the right rev. Robt. Stanser, D.D. late bishop of Nova Scotia. He was of St. John's college, Cambridge, LL.B. 1789; and, after nearly thirty years of laborious service as a missionary from the society for the Propagation of the Gospel, in the pro-

vince of Nova Scotia, North America, was consecrated in the year 1816 bishop of that province, at the urgent and unanimous desire of the whole community.

24. At Southampton, aged 71, Eliza dowager lady Tichborne. She was a daughter of Edmund Plowden, of Plowden in Shropshire, esq., was married to sir Henry Tichborne, the sixth and late bart. of Tichborne in Hampshire, in 1777, and had issue sir Joseph, the present bart., six other sons, and three daughters.

25. In Spring-street, Portman-square, aged 91, Michael James Heber, esq. a native of Brussels.

26. At Clontarf, county of Dublin, aged 100, the rev. John Usher, D.D. He became rector of that parish in the year 1762, on the resignation of his uncle the rev. John Usher, who had received it in like manner from his father. These three successive incumbencies comprised a period of one hundred and fifty-two years up to 1811; the year in which the deceased resigned it to the present incumbent.

27. In York-buildings, Baker-street, aged 54, James Shortt, esq. formerly lieutenant-col. of the 10th foot.

— At Oxford, the widow of John Oglander, D.D. warden of New College, and uncle to sir William Oglander, the present and sixth bart. of Nunwell in the Isle of Wight.

— In his 86th year, capt. Murdoch Mackenzie, R.N. of Minehead.

— At Merksworth, Renfrewshire, aged 32, Jane, lady of sir Paul Baghott, knight, and only daughter of W. Maxwell, esq. of Bredaland and Merksworth.

— Chas. Wyndham Campbell, second son of John Campbell, esq. of Blunham-house.

28. At Ewell-grove, Elizabeth, widow of the late sir Thomas Reid, bart.

— Aged 80, William Shield, esq. master of his majesty's musicians in ordinary. This eminent composer was a native of the county of Durham, and was originally apprenticed to a boat-builder. During his apprenticeship, he led the Newcastle subscription concerts. Afterwards he was occasional leader of the concerts at Scarborough, till he was invited to fill a place in the orchestra at the Italian Opera. This may be considered as the commencement of his professional career, and of a series of numerous engagements. In the summer of 1791, he accompanied

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his extraordinary countryman Ritson to Paris; whence he proceeded to Italy. He returned to London in 1792. Soon after this period he published his well known "Introduction to Harmony." At the death of sir William Parsons, in 1817, his majesty appointed him master of his musicians in ordinary. His dramatic compositions were very numerous, and eminently successful, among which were—*Rosina*, *The Poor Soldier*, *The Farmer*, *The Flitch of Bacon*, *Hartford Bridge*, *The Woodman*, *The Travellers in Switzerland*, *Robin Hood*, *Abroad and at Home*, *Fontainbleau*, *Lock and Key*, *Netley Abbey*, *Two Faces under a Hood*, &c. He also composed some excellent songs, particularly *The Thorn*, *O bring me Wine*, *The Wolf*, *By the deep Nine*, *The Post Captain*, *Old Towler*, *Tom Moody*, *The Prince and Old England*, and a most erudite Treatise on Harmony.

29. At Bath, aged 84, John Dickson, esq. a lieut.-general in the service of the East India company; great uncle to sir William Dickson, bart.

— At Petworth, where he had for many years resided, aged 74, Richard Willis, esq. rear-admiral in the royal navy. He was appointed post-captain in 1790, and rear-admiral 1808.

30. In Upper Wimpole-street aged 43, the right hon. lady Amelia Sophia Boyce, sister to the duke of Marlborough. She was the youngest daughter of George the late and third duke, K.G. by lady Caroline Russell, only daughter of John fourth duke of Bedford, K.G. and was married September 22, 1815, to Henry Pytches Boyce, esq.

— At the royal military college, Sandhurst, Olivia Baldwin, sister to sir Walter Barry, bart. She was the only daughter of sir Nathaniel Barry, M.D. the second bart. by Catherine, daughter of Walter Jones, esq. of Headfort, county of Leitrim.

31. At Pyrland-hall, aged 71, the relict of William Walter Yea, esq. mother of the present and second bart.

Lately. In St. James's-square, aged 57, the right hon. Emily-Anne marchioness dowager of Londonderry. She was the youngest daughter and co-heiress of John second earl of Buckinghamshire, and was married to Robert, late marquis of Londonderry, K.G. Jan. 9, 1794.

At Bath, aged 78, Katharine dowager lady Waller. She was daughter of the rev. Charles Moore; was married to the

right hon. sir Robert Waller, bart.; first commissioner of his majesty's revenue in Ireland, and M.P. for Dundalk.

At Taunton, the widow of rear-adm. Dundas, and sister to the right hon. lady Harris.

At Port-Glasgow, lieut. John Carmichael, late colonial secretary at Prince Edward's Island.

FEBRUARY.

1. Aged 73, John Frewen Turner, of Cold Overton in the county of Leicester, esq.

— Aged 84, Robert Kilbye Cox, esq. of Weymouth-street, Portland-place.

— In George-street Portman-square, Elizabeth, widow of lieut.-col. Wilson, of the Tower Hamlets.

3. At Lincoln, aged 80, Charlotte dowager lady Nelthorpe. She was dau. of Andrew Willoughby, esq.; was married to sir John the sixth and late baronet, in 1772; and had issue sir Henry, the present baronet; two other sons and two daughters. Sir John died in 1799.

— Of a decline, aged 25, the hon. Mrs. Langham. She was Margaret-Emma, eldest child of George second and present lord Kenyon, by Margaret-Emma, only daughter of the late sir Thomas Hanmer, bart. (by Margaret eldest daughter and co-heiress of George Kenyon, esq.); and was married, only on the 18th of last June, to James-Hay Langham, esq. the eldest son of sir James Langham, bart.

— At Newton Priory, aged 80, the hon. Jane Estcourt, relict of Thomas Estcourt, esq. of Estcourt, Gloucester; aunt to the earl of Verulam; and eldest daughter of James second viscount Grimston.

4. At Rome, Charlotte, wife of lieut.-general F. W. Buliver, of Pelynt, and Lanreath, Cornwall.

5. At Whitby, aged 61, Mr. John Bird, artist.

6. At his house in Pall Mall, aged 82, sir Mark Wood, of Gatton-park in Surrey bart. F.R.S. Sir Mark was the eldest son of Alexander Wood, esq. of Perth, descended from the Woods of Largo, to the honours and estates of whom sir Mark succeeded on the death of John Wood, esq., who had been governor and captain-general of the Isle of Man. Sir Mark went to India with his brother the late sir George Wood, K.C.B., who attained the rank of major-general in

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the East India company's service, and died in 1824. Sir Mark entered in 1770 into the company's corps of engineers on the Bengal establishment; was made a captain in 1778; major and surveyor-general in 1787; and, in the latter year, obtained the highly lucrative appointment of chief engineer at Bengal. He first entered parliament in 1794, for Milborne Port. Sir Mark was the author of "A Review of the Origin, Progress, and Result of the late War with Tippoo Sultaun. 1800." 4to; also of "The Importance of Malta considered; with Remarks during a Journey from England, through Egypt, to India, in 1779," published in 4to, 1803. He was created a baronet, October 3rd, 1808.

7. In his 41st year, C. R. Alderson, M.D. physician to the Hull General Infirmary, and Public Dispensary.

— At Harefield, lieut.-gen. Henry Parker Lawrence, of the Bombay establishment.

9. At Brussels, after a month's suffering, in consequence of her clothes having taken fire, the wife of sir John Rousselet Whitefoord.

— In Queen-square, Bloomsbury, aged 83, the rev. William Crowe, B.C.L. public orator of the University of Oxford, and rector of Alton Barnes, in Wiltshire.—Mr. Crowe was a native of Winchester; his parents were persons in a humble rank; and, at an early age, he became one of the choristers in the College Chapel. In that situation his promising talents attracted notice, and he was placed on the foundation of the school. Having made considerable proficiency in classical studies, he was, at the usual period, removed to a fellowship at New College, Oxford, where he took the degree of B.C.L. in 1773; and was appointed to a tutorship. In 1781 he published a sermon, preached before the university, on Exodus xii. 24; and, in 1782, he was presented by his college to the rectory of Alton Barnes. In 1784 he was elected public orator, on the resignation of the rev. James Bannin, D.D. On the many occasions when his talents were called forth in this situation, his orations, pregnant with classical spirit, gave full evidence of his attainments as a scholar. In 1786 Mr. Crowe published the poem of Lewesdon Hill, which met with distinguished success. As a piece of local descriptive poetry, it must be ranked among the happiest efforts of the kind.

This work reached a third edition in 1804. In 1788 Mr. Crowe published the Creweian oration he had that year delivered, its topic being the Centenary of the Revolution: and in 1800 another, of which the subject is Poetry. In the notes to the latter he inserted a beautiful translation of the well-known passage in Lucretius, lib. i. ver. 67, &c. In conjunction with Thomas Caldecott, esq. of the Inner Temple, his friend and contemporary at New College, Mr. Crowe projected an edition of Shakspeare. They published Hamlet and As you like It, in 8vo., 1819, as a specimen of their labours. Mr. Crowe devoted a considerable portion of his leisure to the study of architecture, and occasionally read lectures on that subject in the University. His last publications were, a collection of his Poems, and a Treatise on English Versification, both of which appeared in 1827. In the dedication of the latter to Mr. Caldecott, he acknowledges the material assistance derived from him in the completion of the work. Mr. Crowe continued until a very late period to deliver the Creweian oration, alternately with the professor of poetry, at the commemoration festivals; and his remarkable appearance in the rostrum, united to the powerful enunciation of his periods, imparted a striking interest to the performance.

10. At Rome, aged 68, his holiness Pope Leo the Twelfth. Annibal della Genga was born August 2, 1760, at the castle of Genga, the property of his family, situated between Urbino and the March of Ancona. He entered the church very early, and soon obtained considerable preferment. About the period of the first invasion of Italy by the French, he was sent as nuncio to the court of Bavaria and the states of a second rank in Germany, which office he filled for fourteen years. In 1807 he was sent by the Pope to Paris, on a mission to Napoleon, and, on his return to Rome, he was obliged, when the French took possession of that city, to remove with the other prelates who were not natives of the Roman States. In 1814 he was again sent to France to compliment Louis XVIII. and was afflicted at Paris with a long illness. In 1816 he was elevated to the dignity of cardinal; and, on the death of Pope Pius the seventh, in 1823, he was elected to the papal chair.

10. At Southampton, aged 17, Mary.

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Alicia, second daughter of the late capt. Wm. Baird, eldest son of sir Jas. Baird, bart. of Slaughton-hall, Mid-Lothian.

11. At his residence, St. John's Row, Shrewsbury, aged 75, Jonathan Scott, LL.D. He was the third son of Mr. Jonathan Scott, of Shrewsbury, by Mary, daughter of Humphrey Sandford, esq. of the Isle near that town. Dr. Scott received the rudiments of his education at the Royal Free Grammar School in his native town, which he left for India at the early age of twelve. He continued to reside in that country for many years, during which he proceeded diligently to study its languages and history; and became a captain in the East India Company's service. His rising abilities and meritorious conduct soon gained him the patronage of Warren Hastings, esq. then Governor-general of Bengal, &c. to whom, from his excellent knowledge of the Persian language, he was appointed Persian Secretary, and elected a member of the Asiatic Society of Calcutta. On his return to England, he was not allowed to remain inactive, but received the appointment of Oriental Professor at the Royal Military and East India Colleges. The University of Oxford conferred upon him the honorary degree of Doctor of Laws, June 26, 1805.

He published the following works:—In 1786, "A Translation of the Memoirs of Eradut Khan, a nobleman of Hindoostan. In 1794, "A Translation of Ferishta's History of the Dekkan, from the first Mahummedan Conquests, with a continuation from other native writers of the events in that part of India, to the reduction of its last monarchs by the Emperor Aulumgeer Aurungzebe. Also the reigns of his successors in the Empire of Hindoostan to the period of publication. With the History of Bengal from the Accession of Aliverdee Khan to the year 1780," 2 vols. 4to, pp. 411, 461. In 1798, an "Historical and Political view of the Decan, including a sketch of the extent and revenue of the Mysorean Dominions, as possessed by Tippoo Sultan at the commencement of the war in 1798." 8vo. pp. 56. In 1799, "Bahar Danush, or Garden of Knowledge, an Oriental Romance translated from the Persic of Eiwaht Oollah." 3 vols. 8vo. In 1800, "Tales, Anecdotes, and Letters, from the Arabic and Persian." 8vo pp. 446. In 1811 he published,

in six volumes, "The Arabian Nights' Entertainments," carefully revised and corrected from the Arabic; to which he added a selection of new tales, then first translated from the Arabic originals. To these he prefixed a copious introduction, interspersed also by many valuable notes illustrative of the religion, manners, and customs of the Mahummedans.

Dr. Scott had four brothers, three of whom entered early in the honourable East India Company's service. John the eldest attained the rank of major, and interested himself much in the celebrated trial of Warren Hastings, esq.; on succeeding to some extensive estates, he took the name of Waring, and died in 1819. Richard entered the service as a cadet in 1768, was promoted to the rank of lieutenant-col. and retired on full pay 1797. In the course of his services he distinguished himself under lieutenant-general sir Eyre Coote, K.B., in the war with Hyder Ali Khan, and under the marquis Cornwallis in the war with Tippoo Sultan. Henry Scott, esq. of Beslow Hall, co. Salop, the only survivor of the brothers, and who also held a distinguished situation in the Bengal establishment, proposed about three years ago to publish the military memoirs of lieutenant-col. Rich. Scott, from the journal which that gentleman kept from his arrival in Bengal to the year 1793, and the mass of manuscripts he left; this proposition, not meeting with sufficient encouragement, was relinquished. The younger son, Foliott, was a mercer in London.

15. In Regent-street, sir Philip Keating Roche, knight. C.B. K.C.H. C.S. and F. colonel in the British service, and formerly lieutenant-general in that of Spain.

—Aged 50, H. Blaydes, esq. of High Paull, near Hedon. He was an acting magistrate for Nottinghamshire, for which county he served the office of high sheriff during the disturbances of the Luddites in the year 1812, and was formerly major in the third West York militia.

16. At Passey, having a month before completed his 96th year, François Joseph Gossec, a celebrated French composer. He was born June 17, 1733, at Vergniers, a village in Hainault. At the age of seven he was sent to Antwerp, where he remained eight years as singing-boy in the cathedral. In 1751 he settled in Paris, where he engaged with M. de la Popliniere, whose

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orchestra he conducted under the direction of Rameau. Subsequently he was attached to the suite of the prince de Condé, as leader of his band, for which he composed several operas. In 1770, he founded the Concert of Amateurs, where the chevalier de St. George was first violin; in 1773, he took the management of the concerts of sacred music; and, in 1784, he was appointed superintendent, or principal professor, of the royal school of singing and declamation, founded at the Ménus Plaisirs by M. le Baron Breteuil. At the commencement of the French Revolution, he accepted the situation of master of the band of the national guard; and many of *Chenier's* hymns to liberty, symphonies, &c. were composed by him, for wind instruments, and performed at all the public festivals. In 1795, when a law was passed by the National Convention for establishing a conservatory of music in Paris, he was chosen, conjointly with Messrs. Mehul and Cherubini, inspector of instruction and professor of composition to the institution; his chief pupil, Catel, being at the same time appointed professor of harmony. During the heat of the Revolution, Gossec composed two operas, which were eminently successful, "*The Retaking of Toulon*," and "*The Camp of Grandpré*." The composition of the "*Marseillois Hymn*," which was introduced with superb effect in the latter, has been generally attributed to Gossec; but, in fact, *Rouget de Lisle* was the author of the air, which Gossec arranged, with accompaniments, for a full orchestral chorus. Gossec composed the music for the Apotheoses of Voltaire and Jean Jacques Rousseau, for the funeral of Mirabeau, and for the funeral hymn in honour of the French ministers who were assassinated at Rastadt. He was the author of "*The Elementary Principles of Music*," published by the Conservatory, in two vols. folio; and of numerous *soffeggi*, which are inserted in the book of instruction for singing used in that establishment. His pupils have generally obtained the great prizes at the Conservatory. Gossec's music is light, pleasing, and spirited; occasionally evincing fire, and even grandeur. He had never enjoyed the advantage of a regular course of instruction; nor had he even been able to make a journey to Italy; yet he was intimately conversant with the style of the Italian and

also of the German masters. To a very advanced age he retained in his conversation, and occasionally in his compositions, all the spirit and vivacity of youth. At 81, he continued to lecture on composition at the Conservatory; and, at 90, he frequently used to spend a part of his evenings at the theatre Feydeau.

18. At Florence, aged 60, sir Grenville Temple, ninth baronet of Stowe in Buckinghamshire. This male heir of a family, of which the representative through the female line is now duke of Buckingham, was the eldest son of sir John Temple, the eighth baronet, consul-general to the United States of America. He succeeded his father in the baronetcy, in Nov. 1798.

— At Dalston, aged 74, Mr. Benj. Flower, formerly editor of the *Cambridge Intelligencer*.

21. At Brompton, aged 80, Dudley Long North, esq. formerly M.P. for the boroughs of Banbury and Richmond.

— At Sidmouth, lieut.-colonel Neil Cockburn, late of the 4th veteran battalion.

27. At Edinburgh, aged 75, the rt. hon. Mary, dowager lady Seaforth.

Lately. In his chambers, Raymond-buildings, Gray's-Inn, George Henley, esq. third surviving son of Henry Hoste Henley, esq. of Leigh-house, Somersetshire.

At Beckenham, Kent, Richard Lea, esq. late of the Old Jewry, and formerly alderman of Coleman-street Ward. He was elected to the office in 1803, and resigned it in 1808, without serving sheriff or lord mayor.

In Beaufort-row, Chelsea, William Stevenson, esq. author of the "*Historical Sketch of the Progress of the Discovery of Navigation and Commerce*."

At Prades, in the department of the Eastern Pyrenees, aged nearly 114, a woman named Anne Bennett.

At Paris, the countess de Bruce, who claimed to be a descendant of Robert and David Bruce, kings of Scotland.

Aged 40, the princess Carignan, widow of the late prince Carignan, *maréchal de camp*. Whilst reading by her own fire-side, her clothes caught fire, and she was burnt to death.

In his 82nd year, the Danish vice-adm. Olfert Fischer, who distinguished himself in the battle of Copenhagen with lord Nelson in 1801.

M. Oelsner, counsellor of the Prussian legation at Paris, and author of several highly-esteemed works.

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In Stratton-street, Piccadilly, aged 86, Roger Wilbraham, esq. F.R.S. and F.S.A.—This gentleman, who was long known as a patron of literature and science, was the second and youngest surviving son of Roger Wilbraham, esq. of Nantwich. Mr. Wilbraham proceeded B.A. 1765, and M.A. 1768, at Trinity college, Cambridge, and was elected a fellow of that Society. Being desirous of a seat in Parliament, Mr. Wilbraham, at the general election in 1784, was a candidate for the borough of St. Michael's, and, in a double return, was the first named; but the other candidate, sir Christopher Hawkins, was successful in his opposition. However, on a vacancy in 1786, Mr. Wilbraham was elected for the borough of Helston. At the general election in 1790 he was returned for Bodmin, for which he sat till the dissolution in 1796. Mr. W. was an active member of the Horticultural Society.

In Cheshire, aged 47, lieutenant-colonel Henry Tarleton, nephew to general sir B. Tarleton, bart. K.G.B.

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2. At Wallsall, Staffordshire Daniel Rogers, esq. brother to Samuel Rogers, esq. the poet.

4. At Rome, aged 77, Mary, widow of sir William Abdy, sixth bart. of Felix-hall, Essex, and capt. R. N. She was a daughter of James Gordon, of Moor-place, Hertfordshire, esq.

5. At Rome, aged 68, the right hon. and rev. George Barrington, fifth viscount Barrington of Ardglass, co. Down, and baron Barrington of Newcastle, co. Dublin; M.A. prebendary of Durham, and rector of Sedgfield in that bishopric. He was born July 16, 1761, and was educated at Westminster, where he was admitted a king's scholar in 1774, and whence he was elected to Christ Church, Oxford, in 1778. He obtained the degree of M.A. Jan. 14, 1785. Having taken holy orders, he was in 1786 presented by his uncle bishop Barrington, who then held the see of Salisbury, to the prebend of North Grantham in that cathedral, and, as such, presented himself to the vicarage of Grantham in Lincolnshire. He resigned that living in 1791, on being presented by his uncle, then translated to Durham, to the rec-

tory of Sedgfield. He also resigned the prebend in 1802; having been preferred to a prebendal stall at Durham in 1796. He succeeded to the viscounty on the death of his brother Richard in January, 1814.

6. At his seat at Drinkstone in Suffolk, aged 70, Joshua Grigby, esq. one of the deputy lieutenants of, and a magistrate for, that county: he served the office of high sheriff, in 1810.

— In Hanover-street aged 71, colonel sir Robert Barclay, K. C. B. of the Madras establishment.

7. In Clarges-street aged 70, the right hon. Louisa countess dowager Stanhope. She was the only child of the hon. Henry Grenville, great-uncle to the present duke of Buckingham.

— At Bedhampton, Hants, Sarah Agnes, the wife of T. H. Lethem, esq. of that place, daughter of Thos. Williams, esq. of Henington, Dorset, by Jane, daughter of sir Edw. Wilmot.

8. At Sloperton cottage, Devizes, in her 16th year, Anastasia-Mary, only daughter of Thomas Moore, esq. the modern Anacreon.

— In New-street, Spring-gardens, Louise Henrietta, wife of sir James Scarlett.

8. At Port Louis, Mauritius, aged 52, lieutenant-col. George Harding, lieutenant-col. of the 99th foot.

9. At Belfast, John Young, I.L.D. professor of moral philosophy and metaphysics in the institution of that town.

10. At Hampton Court, aged 76, Edward Bowater, esq. admiral of the Blue; brother to the late lieutenant general John Bowater of the Royal Marines.

13. At Bruges, aged 22, Robert-South-ThurLOW Cunynghame, esq. second son of sir David Cunynghame, of Milncraig, bart. by Maria, natural daughter of the late lord Chancellor-ThurLOW.

14. At her house at Spetisbury, aged 42, the hon. Anna Maria Arundell, sister to lord Arundell of Wardour.

— At Munich, aged 75, Lorenz von Westenrieder, Bavarian historiographer, author of several elementary works for schools, and various publications on the subject of education; also of a History of Bavaria, a description of that kingdom; a History of the Bavarian Academy, &c.

15. Suddenly, at Pimlico, Mr. Shaw, one of the messengers attached to the Foreign Office. Mr. Shaw suffered so

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severely from intense cold on his journey to Vienna, during the sittings of the Congress in that city, that he lost the use of his legs, which he never recovered.

— At Brighton, the right hon. Anna-Maria Countess dow. of Minto. She was the eldest daughter of sir George Amyand.

— At Hales-place, near Canterbury, in his 72nd year, sir Edward Hales, the sixth baronet of Woodchurch in Kent. The ancient Roman Catholic family of Hales, of which the deceased baronet is said to have been the last male representative, was descended from Nicholas Hales, in the reign of Edward the Third, whose son Robert was the prior of St. John's, Clerkenwell, and lord high treasurer of England: he was beheaded by Wat Tyler's mob in 1381. Fifth in descent from Nicholas was John Hales, baron of the Exchequer, whose son sir James, a judge of the Common Pleas, was the only one of the bench who refused to sign the Will of Edward the Sixth, which disinherited the princesses Mary and Elizabeth. Third in descent from the baron of the Exchequer was sir Edward, who was advanced to a baronetcy June 29, 1611, in the first year of the institution of that dignity. Sir Edward, his descendant in the seventh degree, was the only son of sir Edward the fifth baronet.

— At Shrewsbury, aged 75, Mr. William Castieau, many years a teacher of the classics and mathematics in that town. He was author of the principal portion of an useful work, entitled Proctor and Castieau's Cyclopædia, and of many valuable articles on Chemistry and Astronomy in other Encyclopædias, and periodical works of science.

17. At his house in Devonshire-place, aged 88, the right hon. John Luttrell Olmuis, third earl of Carhampton, viscount Carhampton of Castlehaven in the county of Cork, and baron Irnham of Luttrellstown in the county of Dublin; a retired captain in the royal navy.

19. At Stoke park, near Grantham, aged 74, Edmund Turnor, esq. of Stoke Rochford and of Panton, in the county of Lincoln, F.R.S. and F.S.A. He was descended from a younger branch of the Turnours of Haverhill in Suffolk, whose representative is the earl of Wintertoun. His father was Edmund Turnor, esq. who died in 1805, and his mother was Mary, only daughter of John Disney, esq. of Lincoln. Mr. Turnor early ac-

quired a taste for topography and antiquities, and was elected a Fellow of the Society of Antiquaries in 1778. In 1779 he printed, in 4to., "Chronological Tables of the High Sheriffs of the County of Lincoln, and of the Knights of the Shire, Citizens, and Burgesses in Parliament within the same, from the earliest accounts to the present time." In 1783 he compiled and printed a pamphlet, intituled, "London's Gratitude; or, an Account of such pieces of Sculpture and Painting as have been placed in Guildhall at the expense of the City of London. To which is added, a List of those distinguished persons to whom the Freedom of the City has been presented since the year 1758. With Engravings of the Sculptures, &c." Mr. Turnor communicated to the Society of Antiquaries in the following spring, a "Description of an ancient Castle at Rouen in Normandy, called Le Château du Vieux Palais, built by Henry 5th, King of England." This is printed in the *Archæologia*, vol. vii. with a folding plate of two views and a plan of the castle. In 1792 Mr. Turnor communicated to the Society, as a supplement to the volume of Household Accounts they had published, "Extracts from the Household-Book of Thomas Cony, of Bassingthorpe, co. Lincoln." These were printed in the *Archæologia*, vol. xi. To the Royal Society Mr. Turnor, in 1792, communicated "A Narrative of the Earthquake felt in Lincolnshire, and the neighbouring Counties, on the 25th of February, 1792, in a letter to sir Joseph Banks." This was read May 10, 1792, and printed in the *Philosophical Transactions*, vol. lxxxii. In 1793 Mr. Turnor communicated to Dr. Kippis, for his edition of the "*Biographia Britannica*" then in progress, a memoir of sir Richard Fanshawe, the eminent statesman, negotiator, and poet, in the reign of Charles the First. This article is printed in the fifth volume of that biographical collection. In 1801 Mr. Turnor furnished the Society of Antiquaries with some "Remarks on the Military History of Bristol in the Seventeenth Century." These were read on the 11th and 18th of June in that year, and, with a plate giving a plan of the out-works, were printed in the *Archæologia*, vol. xiv. Of the garrison of Bristol, Mr. Turnor's ancestor, afterwards sir Edmund, was treasurer for Charles the

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First. At the close of the year 1802, Mr. Turnor was elected to parliament for the borough of Midhurst; but he sat only until the dissolution in 1806. He served the office of high sheriff for Lincolnshire in 1810. Having for a considerable time made the topography of his neighbourhood his study, Mr. Turnor in 1806, published the result of his researches in a handsome quarto volume, under the title of "Collections for the History of the Town and Soke of Grant-ham; containing authentic Memoirs of sir Isaac Newton; now first published from the original MSS. in the possession of the earl of Portsmouth." "A Declaration of the Diet and Particular Fare of King Charles the First, when Duke of York," was, in 1802, communicated to the Antiquarian Society by Mr. Turnor, from a manuscript in vellum, in the possession of his brother-in-law sir William Foulis, the descendant and representative of sir David Foulis, the prince's cofferer. It is printed in the *Archæologia*, vol. xv. Mr. Turnor is said to have been the editor of "A Short View of the Proceedings in the County of Lincoln, for a limited exportation of Wool," printed in 4to, 1824. In 1825 Mr. Turnor furnished the Antiquaries with an "Account of the Remains of a Roman Bath near Stoke in Lincolnshire," printed, with three plates, in the *Archæologia*, vol. xxii. pp. 26-32; and, immediately before his death, he sent an account of some further similar discoveries in the same neighbourhood.

20. At Cambo-house, county Fife, Anne, dowager countess of Kellie. She was daughter of captain Adam Gordon, of Ardoch, and was married to Thomas, ninth and late earl of Kellie, at Gottenburg, in 1771.

21. At Antwerp, the rev. Rowland Reginald Heber, late of Bossall Hall, Yorkshire.

— Drowned in the Isis, at Oxford, aged 18, Henry, youngest son of the rev. John Emra, vicar of St. George's, near Bristol.

22. At Rotterdam, aged 86, the rev. John Hall, for upwards of forty years minister of the English church in that city.

— At the Manor-house, Wands-worth, Marianne, wife of Dr. Sumner, lord bishop of Chester.

23. At his house in Hart-street, Bloomsbury, aged 75, the rev. Robert Nares, M. A., F. R. S., F. S. A., V. P.

R. S. L. archdeacon of Stafford, canon residentiary of Litchfield, and rector of Allhallows, London Wall. He was born at York, June 9th, 1753, and was the son of Dr. James Nares, an eminent composer and teacher of music, and for many years organist and composer to kings George II and III. His uncle, the hon. sir George Nares, was for fifteen years one of the judges of the Court of Common Pleas. Educated at Westminster School, he became a king's scholar at the head of his election in 1767, and was subsequently elected in 1771 to a studentship of Christ Church, Oxford, where he took the degree of B. A. 1775, and M. A. 1778, and about the same time took orders. From 1779 to 1783 he resided in the family of the late sir Watkin William Wynn, as tutor to his sons, the present baronet and his brother the right hon. Charles Williams Wynn; and from 1786 to 1788, they were under his tuition at Westminster School. In 1782 he obtained from Christ church the living of Easton Mauduit in Northamptonshire, and shortly after, that of Doddington, in the same county, which is in the patronage of the lord Chancellor. In 1787 he was appointed one of the chaplains of his late royal highness the duke of York, and, in the ensuing year, he was nominated an assistant preacher of the hon. Society of Lincoln's Inn. In 1790 he assisted in completing "Bridge's History of Northamptonshire," and wrote the preface to that work. In 1795 he was elected F. S. A., and, in the same year, became one of the assistant librarians of the British Museum; and afterwards librarian for the MS. Department, where he prepared the third volume of the Harleian catalogue of MSS. published by the record commission. This situation he resigned in 1807. In 1798 he was presented to the rectory of Sharnford, in Leicestershire, which he resigned in 1799, on being collated to the fifth stall of the canons residentiary of Litchfield; and, in the following year, he was appointed archdeacon of Stafford. In 1804 he was elected F. R. S. In 1805 he was presented to the living of St. Mary, Reading, which he resigned in 1818 for that of Allhallows, London Wall. The archdeacon was thrice married, but left no issue.

Besides several charges, sermons, and other writings, he published "An

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Essay on the Dæmon or Divination of Socrates," 8vo. 1782. "Elements of Orthoëpy; containing a distinct view of the whole Analogy of the English Language, as it relates to pronunciation, accent, and quantity, 1784," 8vo. "Principles of Government deduced from Reason, &c. 1792," 8vo. "A connected and chronological View of the Prophecies of the Christian Church; in twelve sermons, preached in Lincoln's Inn chapel, from the year 1800 to 1804, at the lecture founded by bishop Warburton, 1806," 8vo. "Essays and other occasional compositions, chiefly reprinted, 1810," 2 vols. small 8vo. "The Veracity of the Evangelists demonstrated, by a comparative view of their Histories, 1816," 12mo. "A Glossary; or Collection of Words, Phrases, Names, and Allusions to Customs, Proverbs, &c." In 1793, he commenced the British Critic, in conjunction with the rev. W. Beloe. To each of the half-yearly volumes of the British Critic was prefixed a preface, always written by Mr. Nares, taking a survey of the literature of the period. Mr. Nares proceeded with the work till the end of the forty-second volume, and then resigned it to others. In 1815 he edited Dr. Purdy's Lectures on the Church Catechism, &c. to which he prefixed a Biographical Preface.

23. At Aberdeen, aged 71, sir John Innes, ninth bart. of Balvery, county of Banff.

27. At Dresden, in his 77th year, Jacob Seydelmann, professor at the academy of Fine Arts.

27. At Kirkby, Notts, aged 82, the rt. hon. Henry Venables Vernon, third lord Vernon, elder brother to his grace the archbishop of York.

— At Pimlico Lodge, aged 65, John Elliott, esq. F.R.S., head of the porter-brewery of Elliott and Co. Pimlico, and treasurer of Westminster hospital.

28. Aged 66, Henry Hase, esq. chief cashier of the Bank of England.

29. At Plymouth, aged nearly 100, Levi Benjamin, for upwards of 60 years reader to the Jewish synagogue of that town. He was supposed to have the most powerful voice in the kingdom; and was one of the teachers of Leoni, the master of Braham.

29. At Chester, aged 85, Thomas Harrison, esq. a distinguished architect. Mr. Harrison was born at Richmond, in Yorkshire, in the year 1744; and, having

shown a taste for drawing, went to Rome under the patronage of lord Dundas, about 1769. He remained there several years, engaged in the study of architecture, and made some designs for the embellishment of the square of Santa Maria del Popolo; in consequence of which he had the honour of receiving from the hands of Pope Ganganelli a gold and silver medal, and was also made a member of the Academy of St. Luke, by an especial order for that purpose. Upon leaving Rome, Mr. Harrison travelled through part of Italy and France, and returned to England in 1776, where he was soon afterwards engaged in building a bridge over the Lune, at Lancaster, consisting of five arches, being the first level bridge constructed in this country. Having settled at Lancaster, he designed and executed the extensive improvements and alterations in the castle at that place; and afterwards gained a premium, and was appointed architect for rebuilding the gaol and county courts of Chester. The armoury and the Exchequer-buildings, which form the wings of the superb county hall, at Chester, as also the gateway before it, were built after designs furnished by Mr. Harrison; and the new bridge across the Dee, now in progress, which is to be formed of one arch of 200 feet span, is also from his design. England is indebted to Mr. Harrison for the possession of the Elgin marbles. When the earl of Elgin was appointed ambassador to the Porte, in 1799, Mr. Harrison, who was at that time in Scotland, designing a house for his lordship, strongly recommended to him to endeavour to procure casts of all the remaining sculpture, &c. in Athens, but had not the least idea of the marbles themselves being removed. The following are some of the works in which Mr. Harrison was engaged:—A Greek Doric column, at Shrewsbury, in honour of lord Hill, and one for the marquis of Anglesey, erected near his lordship's residence, on the Straits of the Menai; the triumphal arch at Holyhead, built to commemorate the king's landing there; the Jubilee tower upon Moel Famma, to commemorate the 50th year of the reign of George III; the Athenæum and St. Nicholas's tower, in Liverpool; and the theatre and exchange buildings in Manchester. Besides Broom-hall, in Fife-shire, the residence of the earl of Elgin, Mr. Harrison designed houses for several

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gentlemen in Scotland; amongst others, one for the late general Abercrombie, and one for Mr. Bruce.

29. In Foley-place, aged 65, Edward Ash, M. D. F. R. S. Physician extraordinary to his late majesty.

— Aged 66, in Cavendish-square, Stephen Luke, M.D.

30. At the Clarendon hotel, aged 43, Geo. Robert Petre, esq. of Dunken-hall, Lancashire, first cousin to lord Petre.

31. In Conduit-street, aged 40, the rev. Brownlow Poulter, rector of Buri-ton, Hants, eldest surviving son of the rev. Edmund Poulter, prebendary of Winchester, by Miss Bannister, sister to Mrs. North, wife of the late bishop.

Lately. Aged 25, Douglas Smith, esq. student of Christ Church, Oxford, and son of the rev. Sydney Smith.

At Cambray, the wife of the rev. sir Rd. Wolseley, bart. of Mount Wolseley, co. Carlow.

At Rome, in his 72nd year, Dr. Fortis, general of the order of the Jesuits.

At his apartments in the Rue Vaugirard, Paris, at an advanced age, Francis Plowden, esq. LL.D. formerly a member of the English Chancery bar, author of a History of Ireland, and father-in-law to the earl of Dundonald.—This gentleman was a member of a Catholic family of the name, and brother to the rev. Charles Plowden, a Roman Catholic priest, and tutor at Stoneyhurst, author of several professional works, and also to the rev. Robert Plowden, priest at Bristol. The barrister's first works were: "An Investigation of the Native Rights of British Subjects, 1784," 8vo.—"A Supplement to the same, written in relation to the case of the earl of Newburgh, a descendant of the earl of Derwentwater, 1785."—"Impartial Thoughts upon the beneficial consequences of enrolling all Deeds, Wills, and Codicils, affecting Lands throughout England and Wales, including a draught of a Bill proposed to be brought into Parliament for that purpose," 1789.—"The Case stated, by Francis Plowden, esq. Conveyancer of the Middle Temple; occasioned by the Act of Parliament lately passed for the relief of the English Roman Catholics, 1791," 8vo. In 1792 Mr. Plowden published: "Jura Anglorum; the Rights of Englishmen; being an historical and legal Defence of the present Constitution," 8vo. At the Encœnia at Oxford on the 5th of July in the following year,

the honorary degree of D.C. L. was conferred upon him. In 1794 the latter work was attacked in an octavo pamphlet, called "A Letter to Francis Plowden, esq. Conveyancer, of the Middle Temple, on his work entitled Jura Anglorum, by a Roman Catholic clergyman." Dr. Plowden's next publications were "A short History of the British Empire during the last twenty months, viz. from May 1792 to the close of the year 1793, London, 1794," 8vo.—"A friendly and constitutional Address to the People of Great Britain, 1794," 8vo. In the title-page of this he styled himself "LL.D. of Gray's-inn, Conveyancer." In the same year, John Reeves, esq. another well-known legal and political writer, printed "The Malcontents; a Letter to Francis Plowden, esq." and there was also "A Letter from an Associator to Francis Plowden, esq." The next productions of Mr. Plowden were—"Church and State; being an Inquiry into the origin, nature, and extent, of Ecclesiastical and Civil Authority, with reference to the British Constitution, 1795," 4to.—"A short History of the British Empire during the year 1794. London, 1795, 8vo.—"A Treatise upon the Law of Usury and Annuities," 1796, 1797, 8vo.—"The Constitution of the United Kingdom of Great Britain and Ireland, Civil and Ecclesiastical, 1802, 8vo.—In 1803 appeared, in two quarto volumes, his grand work, entitled "An Historical Review of the State of Ireland, from the invasion of that country under Henry 2nd. to its Union with Britain in 1801. London, 1803." Of this an elaborate critique by sir Richard Musgrave, the author of the History of the Irish Rebellion, appeared in the British Critic, continued through more than one number; and which was afterwards published in a separate form, with additions, corrections, and an appendix, under the title of, "Strictures upon an Historical Review of the State of Ireland, by Francis Plowden, esq.; or, a Justification of the Conduct of the English Governments in that Country, from the Reign of Henry the Second to the Union of Great Britain and Ireland." Mr. Plowden published in reply two pamphlets, one intituled, "A Postliminious Preface to the Historical Review of the State of Ireland; containing a statement of the Author's Communications with the Right Hon. Henry Addington, &c. upon the subject of that

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work; *Strictures upon the British Critic*, and other traducers of the Irish Nation; and also *Observations on Lord Redesdale's Letters to the Earl of Fingal*, 1804," 4to; and the other, "*An Historical Letter to Sir Richard Musgrave*, bart. occasioned by his *Strictures on the Historical Review*, 1805, 8vo. In 1806 Mr. Plowden published "*The Principles and Law of Tithing illustrated*, adapted to the convenience of all persons interested in Tithes," royal 8vo;—in 1807, "*A Refutation of the Charge of having improvidently and maliciously advised the prosecution in the case of the King versus Graham*," 8vo;—and in 1812, an octavo edition, in five volumes, of "*The History of Ireland, from 1172 to 1810*." At the Lifford assizes, April 4, 1813, Mr. Plowden was prosecuted by Mr. Hart for a libel contained in the *History of Ireland*. A verdict of 5000*l.* damages was obtained against him; the consequence of which was his retirement to France, where he passed the remainder of his life, not without pecuniary difficulties. Mr. Plowden's lady died at the house of her son-in-law the Earl of Dundonald, at Hammer-smith, in July 1827. She published in 1800, "*Virginia; a comic opera*, in three acts." Their eldest son, captain Plowden, was shot in a duel in Jamaica, where he was aide-de-camp to General Churchill. The eldest daughter Anna Maria, became the third countess of Archibald ninth and present earl of Dundonald in April 1819, and died September 18, 1822.

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2. In Wimpole-street, aged 19, Coutts Marjoribanks, eldest son of Edward Marjoribanks, esq. and nephew to sir John Marjoribanks, bart. and Stewart Marjoribanks, esq. M. P.

— In Clifford's Inn, Fleet-street, Manasseh Dawes, esq. Barrister of the Inner Temple. Mr. Dawes had long left the bar; and, at different periods of his life published various works, among which were the following: "*Philosophical Considerations, or Inquiry into the merits of the controversy between Doctors Priestley and Price, on Matter and Spirit, and Philosophical Necessity*, 1780," 8vo. — "*On Intellectual Liberty and Toleration*." "*Essay on Crimes and Punishments*;" Deform-

ity of the doctrine of libels, *Commentaries on the Laws of Arrests, &c. &c.*

3. At Columbo, in Ceylon, lieut.-col. Henry Bird, of his majesty's Ceylon regiment.

6. At Trewithen, Cornwall, of erysipelas, aged 70, sir Christopher Hawkins, bart. recorder of Grampound and St. Ives, Fellow of the Royal, Antiquarian, and Horticultural Societies, and, at the period of his recent retirement, father of the House of Commons. Sir Christopher was the elder son of Thomas Hawkins, esq. colonel in the guards, and M. P. for Grampound, by Anne, daughter of James Heywood, esq. of London.

8. At St. Petersburg, in his 58th year, Alexander Kniazhnin, author of several dramatic pieces and poems.

9. At Bristol, Wm. Macready, esq. formerly manager of the theatre at Leicester and other provincial towns, and father of the celebrated tragedian of that name.

12. At Northallerton, aged 86, Fletcher Rigge, esq. of Carke-hall, Lancashire, Barrister-at-law, clerk of assize for the northern circuit, and a deputy lieut. for the North Riding.

13. At Windsor, the rev. Richard Webb, formerly Chaplain of New and Magdalen Colleges, Oxford, one of the minor canons of Windsor, Westminster, and St. Paul's, a priest in ordinary to his majesty and Vicar of Kensworth, Hertfordshire.

14. At Mayence, Christian August Fischer, professor at the university of Wurtzburg, a popular writer of travels, and also compiler and translator of many publications of the same description. He was born at Leipzig, in 1771. His "*Travels through Spain*;" "*Picture of Madrid*;" and "*Picture of Valencia*," have appeared in English.

17. At Tamworth, Warwickshire, aged 73, the rev. Phillip Wren, M. A. rector of Ipsley, and for nearly fifty years Vicar of Tamworth. He was a lineal descendant of the great Architect sir Christopher Wren.

18. In the Crescent, Bath, aged 72, sir John Keane, bart. of Belmont, co. Waterford.

19. In his 17th year, Richard eldest son of Richard Gatcombe, esq. late of Seaton Devon.

— At Dryburgh Abbey, Roxburghshire, aged 86, the right hon. David Steuart Erskine, eleventh earl of

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Buchan and sixth lord Cardross. His lordship was born June 1, 1742 (O.S.) He was the second but eldest surviving son of Henry David, the tenth earl, by Agnes, second daughter of sir James Steuart, bart. of Goodtrees, his majesty's solicitor for Scotland; and was the elder half-brother of Thomas lord Erskine, for a short time lord high chancellor of England. Having completed his education, lord Cardross, though he held a half-pay lieutenancy of the 32nd foot which he retained to the period of his decease, repaired to London, to pursue the study of diplomacy under the patronage of the earl of Chatham. Whilst resident in the metropolis, he was elected a fellow of the royal and antiquarian societies in 1765. His lordship was appointed secretary to the British embassy in Spain, in November 1766; but losing his father, December 1, 1767, withdrew from public life at a very early period after his succession to the title, and dedicated himself to the duties of a private station, the advancement of science and literature, and the improvement of his native country by the arts of peace. The earl of Buchan may justly be styled the founder of the Society of Antiquaries of Scotland. The first meeting, preparatory to its formation, was held at his house, Nov. 14, 1780; when he explained, in a pertinent discourse, the general plan and intention of the proposed association. A second meeting assembled at the same place a fortnight after; and at a third, on the 18th of October, the society was instituted, when the earl of Bute was elected president, and the earl of Buchan the first of the five vice-presidents. A few weeks after, it was announced that the earl of Buchan had presented to the newly-instituted Society of Antiquaries of Scotland, a correct life of the admirable Crichton, written by the earl himself. In December, 1784, the earl communicated to Mr. Nichols two letters, containing some "Remarks on the Progress of the Roman Arms in Scotland, during the Sixth Campaign of Agricola," which, with a third by the rev. Mr. Jamieson, and six plates, were published in 1786 as the 36th number of the *Bibliotheca Topographica Britannica*. Lord Buchan, in conjunction with Walter Minto, L. L. D., published at Edinburgh, in quarto, in 1787, "An Account of the Life, Writings, and Inventions of Napier of Merchiston;" as a

specimen of biography on a new plan. In 1787, lord Buchan, from regard to his health, left Edinburgh, and went to reside at his country mansion of Dryburgh Abbey, where he applied himself to the improvement of his grounds and seat. In 1814, he erected in his grounds a statue of Wallace; and a chain bridge of his formation crosses the Tweed at Dryburgh. The enthusiasm of lord Buchan led him in 1791 to institute an annual festive commemoration of Thomson, at Ednam, the scene of that poet's birth; and to publish an "Eulogy of Thomson the Poet delivered by the earl of Buchan, on Ednam-hill, when he crowned the first edition of 'The Seasons' with a wreath of bays, on the 22nd of September, 1791," which contains some strong reflections on Dr. Johnson for his 'profane' criticisms on the Scottish bard. In the following year, the earl pursued the subject in an "Essay on the Lives and Writings of Fletcher of Saltoun and the poet Thomson, biographical, critical, and political; with some pieces of Thomson's never before published," 8vo. Lord Buchan was an occasional contributor to various periodical publications. His favourite signature was *Albanicus*; under which, in a letter to his friend Hortus, he describes his own delightful residence at Dryburgh Abbey in the fourth volume of "The Bee." In Scotland patronage can rarely afford to take a very magnificent form, nor did lord Buchan's circumstances enable him to become an exception to the general rule. But in kind offices, in recommendations, in introductions, in suggestions, and in warmly interesting himself and others within his sphere for the promotion of deserving efforts and youthful or lowly aspirants to fame, he well merited the name of a zealous patron. The poet Burns, Tytler, the translator of Callimachus, and Pinkerton the historian and antiquary, were, amongst others, fostered by his countenance and friendship. Lord Buchan married, at Aberdeen, October 15, 1771, Margaret, eldest daughter of his cousin-german, William Fraser, esq. of Fraserfield, co. Aberdeen. The countess, who died May 12, 1819, never had any family. The titles have devolved on his lordship's nephew, Henry David Erskine, esq. elder son of the hon. Henry Erskine, who died in 1817.

20. At Paris, lady Morres Gore, relict

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of W. Gore, esq. and mother of W. Ormsby Gore, esq. of Porkington, Salop.

20. In Lower Berkeley-street, Simon Halliday, esq. of Whinnyriggs, Dumfriesshire, and of St. James's-street, banker.

21. At Argyll-house, in her 20th year, lady Alice Gordon, eldest daughter of the earl of Aberdeen, K.T. and only surviving child by his first countess, lady Catherine Elizabeth Hamilton, daughter of John James, first marquis of Abercorn, K.G.

— In Albemarle-street, aged 61, sir Brook William Bridges fourth baronet of Goodnestone in Kent, a commander in the royal navy. He was born June 22, 1767, the second, but eldest surviving, of the seven sons of sir Brook the third baronet, by Fanny, daughter of Edmund Fowler, esq. of Graces in Essex. He succeeded his father in September 1791.

22. Drowned, aged 18, Edw. Travis, son of the late John Travis, esq. of Scarborough, solicitor and town-clerk.

— Aged 57, William Stevenson, esq. keeper of the records in the Treasury. Mr. Stevenson was the author of the "Agricultural Survey of Surrey," published in 8vo. 1807. Few men were more calculated for works of that description than himself. Early in life he had devoted considerable attention to agricultural pursuits, although with no better success than to fix the theory indelibly on his mind. In 1824 Mr. Stevenson published an "Historical Sketch of the Progress of Discovery, Navigation and Commerce," containing besides much curious and interesting information in the body of the volume, a Catalogue Raisonné of the best books of travels and voyages, omitting those which the ingenious and learned compiler of the Catalogue had ascertained by his researches to be inaccurate, or considered to be frivolous. The article on Chivalry in Dr. Brewster's Encyclopædia was written by him; and it was during the last few months of his life, that the results of his industry and research became more extensively beneficial to the public, from his contributions to the treatises published by the Society for the Diffusion of Knowledge. The Life of Caxton, written by him, is an elaborate account of the labours of that great promoter of knowledge; and, until the commencement of a severe indisposition, he was occupied in prepar-

ing for the same publication a series of treatises intended for the agricultural classes.

22. At his seat at Scottow, Norfolk, in his 55th year, sir Thomas Durrant, bart.

23. At Kensington, aged 73, William Pearse, esq. formerly lieut.-col. in the 15th foot; of Broughton, Hants, and formerly of Hatley St. George, Cambridge-shire.

23. At Knowsley, after protracted suffering, aged 66, the right hon. Elizabeth, countess of Derby. Her father was Mr. George Farren, a surgeon and apothecary of Cork, and brother to capt. Farren, of the 64th foot. Her mother was Miss Wright, the daughter of a brewer of Liverpool, who brought Mr. Farren some fortune, which he dissipated by irregular habits. Attachment to theatrical amusements induced him to neglect his profession, and join a company of actors at Liverpool, and in this situation he died early, having had four children, of whom only two daughters long survived him. Peggy, the youngest, was married to Mr. Knight, a respectable actor of Covent-garden theatre. Miss Elizabeth Farren made her first appearance on the Liverpool stage, in 1773, as Rosetta, in "Love in a Village." She performed this and many other characters with great success at Liverpool, Shrewsbury, Chester, and other places, where the company usually performed. At length, by the kindness of Mr. Younger, the manager, she obtained a letter of introduction to the elder Colman, at whose theatre in the Haymarket she appeared, in the summer of 1777, in the character of Miss Hardcastle, in Goldsmith's comedy of "She Stoops to Conquer." Edwin, in the character of Tony Lumpkin, made his appearance on the same night; and the celebrated Henderson also made his *début* during that season. On the 30th of August following, Miss Farren played the part of Rosina, in the "Spanish Barber," which was then first produced, and by her skilful performance greatly contributed to the success of the piece. In the ensuing winter she was engaged at Covent-garden, where she performed in tragedy, as she did also afterwards at Drury-lane. It was, however, on the removal of Mrs. Abingdon to Covent-garden, that an opening was provided for her in the principal characters of comedy, which proved most

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advantageous towards the display of her abilities. It was about this period of her fame, that the celebrated Charles Fox was observed to pay her particular attention, frequently dangling whole evenings behind the scenes for the sake of her company; but, finding these attentions not followed by the success he anticipated, he gave up the pursuit to lord Derby, who took every means in his power to promote her interest. He induced lady Dorothea Thompson and lady Cecilia Johnson to become her patronesses; by which means she was enabled to move in the first circles. She became anxious to rival those of the highest rank and fortune in every polite accomplishment; and so indefatigable were the pains the lady took to improve, that Miss Farren was justly considered as a finished pattern of female elegance and fashion. The platonic affection, which was said to exist between Miss Farren and lord Derby, was of course productive of a great many squibs; but their conduct was so guarded as to protect them from aspersion. When the duke of Richmond had private plays performed at his house in Privy Gardens, Miss Farren was appointed to preside over the stage business, which introduced her to most of the nobility of the kingdom. At length, by the death of his first countess, March 14, 1797, the obstacle to the earl's wishes was removed. Miss Farren took her farewell of the public at Drury-lane, on the 7th of April following, in the character of Lady Teazle, in the "School for Scandal," on which occasion the house actually overflowed. Towards the conclusion of the play she appeared to be much affected, and when Mr. Wroughton came forward to speak some lines which were written on the occasion, her emotions increased to such a degree, that she was under the necessity of receiving support from Mr. King. On the 8th of May following she was married to lord Derby by special licence, at his lordship's house in Grosvenor-square; and she was soon after introduced at court, and was one of the procession on the marriage of the princess royal to the duke of Wirtemburgh. After her marriage, the countess of Derby on no occasion obtruded herself on public notice, or in any way descended from the propriety of that acquired station, of which she had become the ornament. She gave birth to three

children, of whom the youngest only survives. They were: lady Lucy-Elizabeth, who died in 1809, at the age of ten; the hon. James, who died in 1817, at the age of seventeen; and lady Mary-Margaret, married in 1821 to the earl of Wilton. The remains of the countess of Derby were interred at Ormskirk on the 30th of April.

24. At Horsted-place, Sussex, aged 82, Ewan Law, esq. elder brother to the late lord Ellenborough, and to the present bishop of Bath and Wells.

25. In Bedford-square, aged 70, James Carden, Esq.

26. In Upper Berkeley-street, aged 57, the rev. George Frederic Tavel, F.R.S. rector of Campsey Ash and Euston, Suffolk, brother-in-law to the duke of Grafton. This accomplished scholar received his academical education at Trinity College, Cambridge, where he proceeded to the degree of A.B. in 1792, with the distinguished honour of being placed second wrangler on the tripos. On this occasion, likewise, one of Dr. Smith's prizes to two commencing bachelors of arts, the best proficient in mathematics and natural philosophy, was awarded him by the examiners. In the following year he was elected a fellow of his society; and in 1795 proceeded to the degree of A.M. In 1798 and 1800 he was appointed one of the moderators, and, in the latter year, a taxor of the university. Mr. Tavel filled for many years the important office of tutor in his college, a situation in which his conduct was exemplary, and which afforded him a proper opportunity for the display of his talents and his virtues. In 1811 he was presented by the society to the vicarage of Kellington, in Yorkshire; and, in the same year, was married to the lady Augusta Fitzroy, the fourth daughter of his grace Augustus-Henry, the third duke of Grafton, by his second wife Elizabeth, the daughter of the rev. sir Richard Wrottesley, bart. and dean of Windsor. In 1817 he was presented to the rectory of Ash by Campsey, in Suffolk, by sir R. J. Woodford, bart., on which occasion he vacated the vicarage of Kellington. In 1818, he was elected a fellow of the Royal Society. In 1820 he published, "Responsibility of the Clergy in regard to Doctrine;" a Sermon preached in the church at Woodbridge, on Saturday, May 27, 1820, at the septennial visitation of the bishop

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of Norwich," 8vo. In 1828 he was presented by his brother-in-law, the duke of Grafton, to the vicarage of Euston.

27. At Frognell, Hampstead, Thomas William Carr, esq. F.R.S. barrister-at-law, his majesty's solicitor of Excise, and a bencher of Gray's-Inn.

28. At his house in Grosvenor-street, aged 86, the right hon. John Crewe, lord Crewe, of Crewe in Cheshire. He was the eldest son of John Crewe, esq. knight in parliament for Cheshire, and was educated under Dr. Hinchcliffe, who afterwards married one of his sisters, and became bishop of Peterborough. He served sheriff for Cheshire in 1764; and entered parliament on a vacancy for the town of Stafford in 1765. At the general election in 1768, and at the five following elections, he was returned for Cheshire. He was a constant partizan of the Whigs, and a member of the Whig Club; and, when they came into power with Mr. Fox, was created a peer, Feb. 25, 1806.

Lately. Aged 76, the rev. Charles Este, formerly one of the reading chaplains at Whitehall. In early life he was connected with the Newspaper-press; and, on his advertising for sale his share of the *World*, in 1790, a long controversy arose in that Paper and the *Gazetteer*, between him and the other proprietor, major Topham. In 1787, he published an 8vo. pamphlet under the title of "My own Life," and in 1795, "A Journey, in the year 1793, through Flanders, Brabant, and Germany to Switzerland."

At King's Walden, Herts, advanced in years, William Hale, esq. uncle by marriage to the earl of Verulam, and brother to the late Charlotte countess Onslow.

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1. At Zurich, in Switzerland, in his 75th year, Henry Füesali, an eminent painter of landscapes, and president of the Academy of Arts in that city. This gentleman was the first cousin of the late Henry Fuseli, esq; R.A. who for so many years held the situation of keeper, and also of professor of painting, to the Royal Academy of London.

2. At Pembury, Kent, aged 44, capt. Charles Shaw, R.N., second son of sir John Gregory Shaw, bart. by the hon.

Theodosia-Margaret Monson, aunt to lord Monson.

6. Mrs. Dalrymple, wife of general Dalrymple, of York-place, Portman-square.

8. At his house in Spring Gardens, in the 72nd year of his age, the right hon. Charles Abbott, first lord Colchester. He was born at Abingdon in Berkshire, Oct. 14, 1757; the younger son of the rev. John Abbott, D.D. rector of All Saints, Colchester, by Sarah, daughter of Jonathan Farr (which Sarah, after Dr. Abbott's death in 1760, was re-married to Jeremiah Bentham, esq. and died in 1809.) He was educated at Westminster School, where he manifested the same diligence which distinguished him in after life, under Dr. Markham and Dr. Smith; and went off to Christ Church, Oxford, as the student at the head of the election of the year 1775. He gained the prize poem for Latin verses in 1777; and, the subject being the Czar Peter I., he was honoured with a gold medal by the reigning empress of Russia. He travelled to Geneva for improvement in foreign law in 1781; took a law degree the next year, and became Vinerian scholar. Soon after, he was called to the bar, and practised with increasing success till other objects attracted his notice. Lord Colchester seems to have first turned his thoughts towards public life in the year 1790, when the name of Mr. Abbott appears in the Journals of the House of Commons as having been a candidate for the borough of Helston; and, upon a vacancy in the representation of that place, caused by the appointment of sir Gilbert Elliott as viceroy of Corsica, he came into parliament in June 1795. In the beginning of the next session he distinguished himself by a speech on the Seditious Meetings Bill, in which he fearlessly attacked the leading democrats of the day. In a subsequent part of the same session he recommended an improvement in the manner of dealing with expiring laws, by establishing a regular method of laying full information before the house on that subject. Proceeding in the same course of legislative utility, he brought before parliament in 1797 a plan for a due promulgation of the statutes among magistrates, by furnishing each petty sessions with a copy of all acts of parliament. At this time Mr. Pitt found it expedient to appoint a Finance Committee, of which Mr.

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Abbott became the indefatigable Chairman, and brought up to the table of the house thirty-six reports during that session and the next. These reports have since served as a model to other similar committees; they are uniform in the quantity of information collected; but not so in form and method, the reports on various offices having been distributed for preparation among the several members of the committee. The Chairman prepared those regarding Revenue, the Exchequer, and Law courts. In 1800 Mr. Abbott introduced a bill "for charging public accountants with the payment of interest;" and in the same year he moved for a Committee of Inquiry into the National Records. From the reports of the Record Committee naturally sprung the royal Record Commission. In the beginning of the year 1801 Mr. Abbott introduced a bill for ascertaining the population of Great Britain, with the increase and diminution thereof. At the commencement of the Sidmouth administration, Mr. Abbott was appointed chief secretary for Ireland under lord Hardwicke, and keeper of the privy seal; and commenced such reforms of the several public offices there, as might be expected from the Chairman of the finance committee; but his parliamentary activity had now marked him out as the successor of sir John Mitford in the chair of the House of Commons. Mr. Abbott was elected Speaker 10th February, 1802. In the year 1805 the Speaker was placed in a painful situation; a parliamentary commission of naval inquiry had been established in pursuance of the objects of the finance committee, and had felt it to be their duty to inculcate lord Melville (at that time first lord of the admiralty), for his conduct while treasurer of the navy. The question for proceeding to prosecute him was agitated in the House of Commons with no small eagerness; and the parties were equally divided (216 on each side): when the Speaker, on all other occasions a moderator of debates without expression of personal opinion, was called upon for his casting vote. Under such circumstances the Speaker usually votes so as to leave the question open to ulterior proceedings. On this principle Mr. Abbott gave his casting vote (as to the material part of the charge) on the 8th April, 1805. Lord Melville was afterwards tried on an impeachment, and

found *Not Guilty* by his peers in June, 1806. On another occasion the opinion of Mr. Abbott was remarkably influential; the Roman Catholic question had been frequently agitated in the House of Commons from the year 1805, and with growing strength on the part of those who wished to remove the remaining disabilities of the Roman Catholics. In the year 1813 they succeeded so far as to carry a bill to this effect through a second reading by a majority of 43; but, in the committee on the bill (24th May), the Speaker moved that the important clause for admitting Roman Catholics into the legislature, should be left out of the bill: a majority of 4 decided against the clause, and the bill was in consequence abandoned. The increasing number of private bills (200 or 300 in a session), had given occasion for complaints of injuries sustained from the haste or inattention of members; to remedy this, the Speaker recommended, in the year 1811, the plan of an office for entry of notices, called the "Private Bill Office," where the progress of every private bill is open to all inquirers, and, the monopoly of practice in soliciting such bills being thus abolished, complaint was no longer heard. Another inconvenience personal to members, had gradually arisen from the same overwhelming quantity of private business. In former times the votes of a day, seldom or never exceeding a printed sheet, were distributed so regularly as to have obtained considerable sale as a newspaper; but the increasing quantity of matter, and the prolonged sittings of the house, had by degrees so delayed the delivery of the votes, that, before Mr. Abbott came to the Chair, they were usually two or three days in arrear, and sometimes a whole week. Mr. Speaker Abbott saw this with dissatisfaction, and, after due consideration of the interests and habits which had grown up in consequence of this dilatory publication, he resolved to attempt a reformation suitable to the change of hours, and the load of public and private business. For this purpose, the marginal notes of the old fashioned votes were assumed as a basis upon which to add whatever necessity or perspicuity demanded; inserting also matters of information formerly reserved for the Journals, and giving a short narrative of some proceedings which even the Journals (which are now printed

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weekly instead of annually) do not furnish. This reform and improvement of the votes was the last labour of Mr. Abbott as Speaker. A serious attack of the same disease (erysipelas), which twelve years afterwards proved fatal to him, compelled him to quit his office in 1817, when he was created a peer by the title of baron Colchester; and a pension of 4,000*l.* a year to himself, and 3,000*l.* to his next successor in the title, was voted by parliament. He shortly afterwards went abroad for the recovery of his health; and, after a residence of three years chiefly in France and Italy, he returned to England, and divided his time between a London residence and his seat at Kidbrooke, near East Grinstead, where he solaced such of his hours as were vacant from the duties of an active magistrate, in observing the progress of his plantations of timber trees, in which he greatly delighted. Lord Colchester carried into the House of Lords the same species of improvement which he had effected in the House of Commons, and their lordships will owe to his short appearance among them, the daily publication and distribution of their proceedings. They are also indebted to him for the establishment of a library, on the same plan as that of the House of Commons. The only works of lord Colchester, hitherto printed are "The Practice of the Chester Circuit," published in 1795, with a preface, recommending some alterations in the Welsh judicature; and a pamphlet containing six of his speeches on the Roman Catholic question, with preliminary observations on the state of that question as it stood in November 1828, when that pamphlet was published. Lord Colchester married, Dec. 29, 1796, Elizabeth, eldest daughter of sir Philip Gibbes, bart.; and has left two sons; Charles (born in 1798) a post captain in the royal navy, now lord Colchester; and Philip Henry (born after his father's return from Ireland) in 1802. His lordship's remains were interred privately in Westminster Abbey by the side of those of his mother.

9. At Hammersmith, Amelia Sibbald Scott, daughter of the late David Scott, esq. M.P., and sister to sir David Scott, bart.

10. At Thoralby, near Leyburn, Yorkshire, aged 74, the right hon. Morris Robinson, third lord Rokeby of Armagh, and fifth baronet of Rokeby in York-

shire. His lordship was the eldest son of Morris Robinson, esq. by Jane, daughter of John Greenland, esq. of Lovelace in Kent. He was returned to the House of Commons for Boroughbridge, at the general election in 1796, but sat only during that parliament, which terminated in the same year. He succeeded his uncle Matthew in his titles Nov. 30, 1800.

10. At Madeira, in his 28th year, George Augustus Anson, esq. lieutenant in the 11th dragoons, the eldest son of lieut.-gen. sir George Anson, K.C.B., and first cousin to viscount Anson.

— In Park-square, London, aged 55, Thomas Young, M.D. F.R.S. and F.L.S. senior physician to St. George's Hospital.—This distinguished scholar and philosopher received his education partly at Gottingen, and partly at Edinburgh, where he took his degree of doctor with great credit. On coming to London, he became a lecturer at the Royal Institution. He was elected a Fellow of the Royal Society in 1794, and appointed foreign secretary in 1804. The following is probably only an imperfect list of his works: "De Viribus Corporis Humani Conservatricibus," Gottingen, 1796, 8vo.; "Syllabus of a Course of Lectures on Natural and Experimental Philosophy," London, 1802, 8vo.; "Analysis of the Principles of Natural Philosophy," 1803, 8vo.; "Reply to the Animadversions of the Edinburgh Reviewers," 1804, 8vo.; "A Course of Lectures on Philosophy and the Mechanical Arts," 1807, 2 vols. 4to.; "Syllabus of a Course of Lectures on the Elements of Medical Science, and on the Practice of Physic," 1809, 8vo.; "System of Practical Nosology, with an Introduction to Medical Literature, intended as a guide to students, and an assistant to practitioners; together with detached Essays on the study of physic, on classification, on chemical affinities, on animal chemistry, on the blood, and on the medical effects of climates," 1812, 1813, 8vo.; "Practical and Historical Treatise on Consumptive Diseases," 1815, 8vo. To the Philosophical Transactions he contributed, in 1793, "Observations on Vision;" in 1800, "Outlines of Experiments and Inquiries respecting Sound and Light;" in 1801, a paper "On the Mechanism of the Eye;" in 1802, "On the Theory of Light and Colours," and "Account of some cases of the production of

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Colours not hitherto described;" in 1804, "Experiments and Calculations relative to Physical Optics;" in 1805, "An Essay on the Cohesion of Fluids;" in 1808, "Hydraulic Investigations, subservient to an intended Croonian Lecture on the Motion of the Blood;" in 1809, "The Croonian Lecture, on the Functions of the Heart and Arteries," and "A Numerical Table of Elective Attractions, with remarks on the sequences of Double Decompositions;" in 1814, "Remarks on the employment of Oblique Riders, and other alterations in the Construction of Ships;" in 1818, "An Appendix to Capt. Kater's Paper, entitled An Account of Experiments for determining the length of the Pendulum vibrating Seconds in the latitude of London;" in 1819, two other papers on the same subject; in 1826, "On a finite Expression for Refraction in an Atmosphere nearly resembling the Earth's;" in 1826, "On a Formula for expressing the Decrement of Human Life;" and also a "Statement of a Comparison of the Sun's observed and computed Longitudes in 1820." To the Transactions of the Linnæan Society, in 1794, "A Description of a new species of Opercularia." To the Supplement of the Encyclopedia Britannica Dr. Young was a most valuable contributor. To Nicholson's Journal, in 1802, he contributed, "An Answer to Mr. Gough's Essay on the Theory of Compound Sounds," "A Summary of the most useful parts of Hydraulics, chiefly extracted and abridged from Eytelwein's Handbuch der Mechanik und der Hydraulik Berlin, 1801;" in 1803, "Observations in Reply to Mr. Gough's Letter on the Grave Harmonics," and "A Theory of Halos and Parhelia;" in 1807, "Transformation of Mr. Dubuat's Hydraulic Theorem;" besides others copied from the Philosophical Transactions. Dr. Young was also one of the editors of the Nautical Almanac. Dr. Young was, in many respects, a rarely-gifted and extraordinary man. With a mind so happily constituted as to be equally fitted for engaging in any pursuit, or mastering any given branch of human knowledge, he united a degree of perseverance admirably adapted to give full effect to his versatility. Among geometers and natural philosophers, he was unquestionably in the very first class; while his great knowledge of the practical application of science to the

useful arts and the business of life, rendered his assistance indispensable to the government, wherever it was necessary to obtain accurate information respecting the conduct and management of scientific establishments, proposed improvements in the arts, or those particular subjects of legislation, which can be regulated only by scientific principles. In such inquiries and investigations a very considerable portion of his time was latterly occupied. His Treatise on Optics, and his Lectures on Natural Philosophy, afford ample evidence of the great proficiency to which he had attained both in the pure and the mixed mathematics. Nor was he less remarkable for his acquirements as a scholar, than for his attainments as a man of science. As early as 1794 he contributed some classical articles to Hodgkin's "Calligraphia Græca," as he did afterwards to Dalzell's "Collectanea Majora," printed at Edinburgh in 1797 and 1802. He was the friend and sometimes the boon companion of Porson, of whose life, character, and scholarship, he has given a masterly sketch in the Supplement to the last edition of the Encyclopædia Britannica.

11. In Gower-street, H. Burrows, esq.

— At her father's, col. Hughes, in South Audley-street, Charlotte, wife of R. Bulkeley Williams Bulkeley, esq. of Baron-hill, Anglesea.

12. At Cowley, aged 74, John Curtis, M.D. He was born at Alton, in Hampshire, and was descended from a respectable family there, of the persuasion of quakers for many generations. He acquired his attainments in classical and general literature at the school of Burford in Oxfordshire, and was apprenticed to his brother, the celebrated botanist, then practising as a surgeon. On finishing his apprenticeship, he diligently attended the lectures of Dr. Fordyce, Mr. Cline, and the other celebrated teachers of the day, joined with the practical instructions afforded by the hospitals; and, having completed his professional studies, he settled at Uxbridge. From his brother he acquired a taste for natural history. He possessed a choice assemblage of plants; and, being particularly fond of ornithology, left a small but interesting collection of preserved British birds. So delicate was his ear, and so much attention had he paid to its cultivation, that he could distinguish by its note every bird within hearing. He

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was a considerable contributor to the Zoological Gardens and Museum.

14. At Hammersmith, John Impey, esq. for above sixty years a member of the Inner Temple, and author of these professional works: "The New Instructor Clericalis, stating the Authority, Jurisdiction, and Modern Practice of the Court of Common Pleas, 1782;" in 1786, a similar work for King's-bench practice, which has also arrived at several editions; "Practice of the Office of Sheriff and Under-Sheriff, and their Deputies, and also of Coroner, 1786," 8vo.; "The Modern Pleader, containing the several forms of Declarations in all Actions, 1794," 8vo.

— At the Oakery, Beckenham, in her 73rd year, Mrs. Cator.

— James Brookman, esq. major of the East Kent militia, and a deputy lieutenant of the county.

15. In the King's-Bench prison, aged 55, John Pytches, esq. He was born at Gazeley, in Suffolk, in 1774, and resided for some years at Groton House, in that county. In 1802, he was returned a burgess in parliament for Sudbury, being elected on the popular interest. In 1805, he joined in the vote of censure moved against lord Melville by Mr. Whitbread. At the general election in 1806 he was again returned for Sudbury, as the second on the poll, having 493 votes. At the election in 1807 he again offered himself, but was unsuccessful. In 1809, Mr. Pytches published proposals for, and a specimen of, an English Dictionary, which should supersede that of Dr. Johnson's, under the following title, "Plan of a New Copious English Dictionary," fol.; but there the project ended. His other publications are, "Speeches in the House of Commons, from 1802 to 1805," 8vo. and "Prize Enigmas" in the Gentleman's Diary.

— At Hopstone, the ancient family residence, in Claverley, after an illness of less than two days, and on the eve of his marriage, Richard Ridley, esq.

— In Connaught-square, aged 67, G. Southey, esq.

— Aged 61, the wife of Edw. Toller, esq. of Hampstead.

17. In Gloucester-place, John Fleming, esq. formerly physician-gen. E.I.C.

18. At Bath, the relict of sir Francis Holbourne, fourth baronet (of Nova Scotia). She was Alicia, daughter of Thomas Brayne, esq. of Warwickshire,

and mother of the present sir Thomas Wm. Holbourne, and three daughters.

18. At Bristol, aged 72, Adrian Moens, esq. Dutch consul at that port.

23. At Midfield, Hants, sir John Forbes Drummond, bart. of Hawthornden, commander in the royal navy.

— At Paris, aged 46, the right hon. Charles-John Gardiner, earl of Blessington, second viscount and baron Mountjoy, a representative peer for Ireland, and a governor of the county of Tyrone. He was the only surviving son of the first marriage of Luke viscount Mountjoy, with Elizabeth, eldest daughter of sir William Montgomery, bart. of Magbiehill, co. Peebles, and sister to Anne late marchioness Townshend. At the age of sixteen he succeeded his father, who was slain by the rebels at Ross, June 5, 1798. He was elected a representative peer for Ireland about 1809; and was advanced to his earldom June 22, 1816. On the day of his death the earl appeared in good health, and rode out in the heat of the day on horseback, along the Champs Elysées, when he was suddenly attacked with apoplexy. He was carried home immediately, where every remedy was resorted to, but in vain.

24. In St. James's-square, aged 24, the hon. Henry Fras. Sinclair Erskine, capt. 2nd foot guards, younger son of the earl of Rosalyn.

29. Drowned, while fishing on Belvidere lake, near Mullingar, aged 29, the hon. Henry Leeson, only brother and heir presumptive to the earl of Miltown.

30. Drowned near Weston-super-Mare, in consequence of his boat being driven on some fishing stakes, the Rev. Francis Blackburne, rector of that parish, and vicar of Bellerby, Yorkshire. He was son of the rev. Francis Blackburne, LL.B. and grandson of the celebrated archdeacon of Cleveland. He was of Sidney Sussex College, B.A. 1804, M.A. 1807, was presented to Bellerby in 1809 by W. Chaytor, esq. and to Weston in 1826 by Dr. Law, the present bishop of Bath and Wells.

31. In Whitehall-place, aged 44, the right reverend Charles Lloyd, D.D. bishop of Oxford, and regius professor of Divinity in the University of Oxford. He was born Sept. 26, 1784, and was the son of the Rev. Thomas Lloyd, rector of Ashton Sub-Edge, in Gloucestershire. Of many children, four only survived their parents; and of these Charles, the

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eldest, received his first instructions at home, and was afterwards sent as a collegier to Eton, where he remained until he was superannuated. In the Lent Term of 1803 he was admitted at Christ Church, Oxford, and commenced residence the following term, having brought with him not merely sound scholarship, and a creditable stock of Greek and Latin lore, but much of arithmetical and mathematical knowledge, a thorough acquaintance with the niceties of the French language, in which he conversed with fluency and elegance, and some proficiency in Italian. Cyril Jackson was then dean, a man, who felt a pride in bestowing his studentships on those whom he selected as the most deserving. In December, 1804, Charles Lloyd was nominated "the dean's student;" and the present Mr. Secretary Peel became his pupil, while the tutor was still an undergraduate. In 1806, Charles Lloyd, after a severe examination of three days for the degree of B.A., gained the first place on the list of "honours." Shortly after taking his degree, he was invited by the earl of Elgin to become tutor in his family, and he went accordingly to Scotland; but he soon returned, and was appointed Mathematical Lecturer at Christ Church by Dr. Jackson, who was desirous to improve the system of lecturing given in the College. In 1817, Mr. Abbott, the Speaker of the House of Commons, being promoted to the peerage, Lloyd was deputed to be the bearer of an invitation to Mr. Peel, soliciting him to accept the vacant seat, and become the representative of the University. In 1819, he was selected to succeed the present bishop of Durham as preacher of Lincoln's Inn. He was not long after made chaplain to the late archbishop of Canterbury, on the promotion of Dr. Mant, the present bishop of Down and Connor, and he was presented by his grace to the living of Bersted in Sussex. In 1822 he was appointed regius professor of Divinity on the death of Dr. Hodgson, and returned to Oxford. With the exception of the last beautiful edition of the Greek Testament, printed in small 8vo. at the Clarendon press, Dr. Lloyd put forth no publication in his own name. A work upon the Liturgies was ready for the press; and some of the old catechisms were actually in the printer's hands. But some articles, which appeared in the Reviews, are supposed to be his.

He publicly avowed the article No. VII. which appeared in the British Critic (Oct. 1825,) intitled, "View of the Roman Catholic Doctrines." In 1827, Dr. Lloyd was advanced to the See of Oxford on the death of bishop Legge; but he seldom appeared in the House of Lords, and never spoke until the last session. On the 2nd of April, 1829, the second reading of the Roman Catholic Relief Bill was moved by the duke of Wellington. After a speech delivered by the archbishop of Canterbury in opposition, and followed by the primate of Ireland, fourth in the debate rose bishop Lloyd, to support the bill. In the full possession of health he went, on May 2, to the dinner given by the royal academicians at Somerset-house. He returned home unwell, having, as he afterwards stated, been inconvenienced by a current of air in which he sat. The illness, which after death was incontestably proved to be inflammation of the lungs, was at first considered trifling, and afterwards pronounced hooping-cough; but at length it exhibited dangerous symptoms, and, after a revival of hope on the 28th and 29th, terminated fatally on Sunday May 31. He died in London at a house which he had taken for the season, in Whitehall-place; and his remains were interred on the Saturday following in the Benchers' vault under the chapel of Lincoln's-Inn. The funeral, strictly private, was attended by relatives only, with the exception of his chaplains, and of Mr. Secretary Peel, and his brother the rev. J. Peel. In 1822 Dr. Lloyd married a daughter of colonel Stapleton, of Thorpe Lee, in the county of Surrey; he left his widow with a family of one son and four daughters, the eldest only six years old.

31. At Ryde, in the Isle of Wight, Arthur Vansittart, esq. of Shottesbrook, in Berkshire, first cousin to Lord Bexley, and brother-in-law to Lord Auckland and the dowager countess of Buckinghamshire. This gentleman was the senior member of the family of Vansittart, being the eldest son of Arthur Vansittart, esq. of Shottesbrook, M.P. for Berkshire, who was the eldest son of Arthur Vansittart, esq. verdurer of Windsor Forest.

— At the house of major-gen. Ashe, major Howe Daniel Showers, of the Bengal establishment.

Lately. At Dublin, by suicide, aged nearly 60, Mr. Wm. Vincent Barré. Mr.

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Barré was the youngest son of a gentleman of great respectability in the south of France ; and, his family being Hugonots, he, at the age of 14, was sent to Russia, where he entered the Russian navy as a midshipman. Being engaged in active service, he soon distinguished himself for his coolness and bravery, two qualities which he possessed in a very eminent degree, and attained the rank of second lieutenant. While in this post, and at a very early age, during a severe engagement with the Turks, his captain fell by a cannon-ball. Barré instantly sent below to the first lieutenant, to apprise him of the circumstance ; when the messenger returned and stated that the first lieutenant had just been killed. The command of the ship was thus necessarily thrown upon Barré, and he so discharged the duty that after the engagement he was allowed to retain the command of the vessel. The Revolution having removed the barriers to the advancement of Protestants, he returned to his native country. He was immediately appointed to the rank of captain under Napoleon, in the campaign in Italy. Having become known to the government for his talents as a linguist, and for his acquaintance with all the European languages, as well as those of the East, he was appointed interpreter to the government, at a salary of 12,000 francs per annum. He had not held this post long, when he had the temerity to write a song, in which he indulged in some bitter sarcasms on the legitimacy of the First Consul. This satire brought down upon him the resentment of the Corsican, and an order was issued for his arrest. Having received intimation of what was going forward, he anticipated the visit of the gens-d'armes, and succeeded in secreting himself until night. Orders were given to prevent his passing any of the barriers ; but Barré, aware of the utter impossibility of getting out of Paris by land, stole down to the river about ten at night ; and loosing one of the fishermen's boats, got in and dropped down the Seine in silence. By these means he reached Havre-de-Grace, where he found an American vessel just getting under way. In this he embarked, and was landed in London, having previously written to the commissary of police at Paris, advising him, the next time he wanted to prevent the escape of a man

who had become obnoxious to the ruling powers, to keep an eye upon the fishboats of the Seine. When he came to London, he employed himself in teaching ; and, shortly after his arrival, published a work in two volumes, entitled "The History of the First Consulate." He was also employed to translate into French, Sir Sidney Smith's pamphlet on the expedition to Egypt, for the purpose of being circulated on the Continent, and received a very handsome remuneration from our government. He afterwards practised as a teacher at Bath, and at one period was in the receipt of 1,800*l.* per annum from tuition. Yet he was never able to make a provision for the latter part of his life. He spoke every European language with the fluency of a native.

At Paris, aged 50, in the hospital of St. Louis, lieutenant-colonel Monge, of the grenadiers of the French guard under Napoleon, who followed the emperor to Elba in 1814. This officer is said to have been employed by Napoleon, after his return from Elba, to make his way in the greatest secrecy to Vienna, to carry off Maria Louisa and her son, and bring them to France. By the help of disguises he succeeded in arriving at Vienna, and was at last on the point of executing his arduous task, when the Austrian police obtained some information of the scheme, and he was obliged to fly. He escaped the pursuit, and got back to France shortly before the battle of Waterloo, in which he fought gallantly. After the Restoration he never was employed ; and, being totally destitute of resources, he was reduced to a state of great distress, and worked as a common labourer.

Aged 73, Augustus Frederick Charles Kollmann, esq. for forty-six years organist to his Majesty's German chapel, St. James's-palace. This gentleman was a native of Engelbostel, a village near Hanover, where his father was organist and schoolmaster. Though the son was intended for a similar station in life, he benefited by the opportunity of learning Latin with the son of the pastor of his village ; and, from the age of fourteen he frequented, during two years, the gymnasium at Hanover, in the second class. The succeeding five years he passed partly with his parents, and partly at Hanover, where he learnt music of J. C. Boettner, an able organist in J. S. Beach's style. In 1779 he

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was admitted into the academy for intended schoolmasters, in Hanover; and there he learnt that methodical and systematical manner of teaching which was very advantageous to him, both in instruction and in writing his musical treatises. He, at the same time, constantly heard or assisted Boettner on the organ of the principal church; and also entirely officiated for him during six weeks that he was ill. At the end of 1781 he went to Lune, a Protestant establishment for noble ladies, near Luneburg, where he had been appointed organist and schoolmaster. But, his late majesty commanding that a person should be sent by the Hanoverian government to fill the place of organist and schoolmaster at the royal German chapel, St. James's, Kollmann was fixed on, and, in consequence of his new appointment, arrived in London in the autumn of 1782. Here, though the school took him up part of four days every week, he had sufficient time for attending to musical pursuits. His works divide themselves into three classes; first, theoretical works, and other musical writings; secondly, theoretico-practical works, being compositions with theoretical explanations; and thirdly, practical works only. A distinct analysis of the contents of the first class of his works is given by himself in the "Quarterly Musical Register," Nos. I. and II. The following is a list of the books: 1. "An Essay on Musical Harmony," fol. London, 1796. 2. "A New Theory of Musical Harmony," fol. 1806; and a second improved edition of it in 1812. 3. "An Essay on Practical Composition," fol. 1799; and a second improved edition of it in 1812. 4. "A second Practical Guide to Thorough Bass," fol. 1807; this supersedes the first guide, and is not a second part of it. 5. "The Quarterly Musical Register," Nos. I. II. 8vo 1812. 6. "Bemerkungen; Remarks on what Mr. J. B. Logier calls his new system of Musical Education," in the *Musicalische Zeitung* of Leipzig, in 1821; and a sequel to the same, in the *intelligente blatt* to the said *Zeitung*, No. III. March, 1822. The second class, or theoretico-practical works, are: 1. "Twelve analysed Figures for two Performers, with double counterpoints in all intervals, and introductory explanations," Op. 10. second edition, 1823. 2. "The Melody of the Hundredth Psalm, with examples and direc-

tions for a hundred different Harmonies, in four parts," Op. 9. 1809. 3. "An Introduction to extemporary Modulation," Op. 11, 1820. 4. "The First Beginning on the Piano-Forte, according to an improved method of teaching beginners," Op. 5, 1796. 5. "An Analysed Symphony for the Piano-Forte, Violin, and Bass," Op. 8, 1789. 6. "A Rondo on the chord of the diminished seventh," one sheet, 1810. Of the third class, the principal work, is, "Concerto for the Piano-Forte and an Orchestra, with the Cadences, as performed in public by Master Kollmann," Op. 8, 1804.

In St. Kitt's, Edward James, esq. Barrister-at-Law, second son of Edward James, Swedish vice-consul at Bristol.

At Upperwood, co. Kilkenny, aged 65, Sir Wm. Evans Ryves de Montmorency, third baronet of Castle Morres, co. Kilkenny. He was the younger son of sir William Evans Morres, the first baronet and M. P. and the only issue of his second marriage with Maria Juliana, eldest daughter and co-heiress of Wm. Ryves, esq. of Upperwood. He succeeded to the title on the death of his half-brother sir Heydock Morres in 1776; and re-assumed the ancient name of Montmorency in 1815.

At Monmouth, aged 84, Osborne Yeates, esq. of Wotton-under-Edge.

At Belmont, Kent, aged 82, the right hon. George lord Harris, of Seringapatam and Mysore in the East Indies, and of Belmont in Kent, a general in the army, colonel of the 73rd foot, governor of Dumbarton Castle. G. C. B. This distinguished officer was born March 18, 1746, the son of the rev. George Harris, of Brasted, in Kent, by Sarah, daughter of George Twentymen, of Braintree, in Cumberland, esq. He entered the service in 1759. He became captain in 1771, and, in May, 1774, he embarked for America, where he was engaged in the action of Lexington, and in the battle of Bunker's Hill. In the latter he was severely wounded in the head, and in consequence was trepanned, and came home; but he returned in time to take the field previously to the landing of the army in Long Island, in July, 1776. Captain Harris was present at the affair of Flat Bush; in the skirmishes on York Island; in the engagement at White Plains; at Iron Hill (where he was shot through the leg), and in every action up to the 3rd November, 1778, except that

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of German Town. In the latter year he was appointed to a majority in his regiment, and, in that rank, served under brig.-gen. Meadows at St. Lucie. In 1779, he embarked with his regiment as Marines, and was present in the engagement off Grenada under admiral Biron. In 1780, he returned to England: and, in December in that year, he succeeded to a lieut.-colonelcy in the 5th foot, from which he exchanged into the 76th, and was appointed governor and commander-in-chief of Madras. He was in the campaigns of 1790 and 1791, against Tippoo Sultaun; and, in the action of 15th May, 1791, was appointed by lord Cornwallis to command the 2nd line; he was also personally engaged in the attack of the Sultaun's camp and of the island of Seringapatam, on the night of the 6th February, 1792, the success of which terminated the war. Peace being re-established, he returned with sir W. Meadows to England. In reward for his services, he was appointed colonel by brevet, Nov. 18, 1792; the 3rd October, 1794, he was appointed to the rank of major-general, when he re-embarked for India, and was placed on the Bengal staff. The 3rd May, 1796, he received the local rank of lieut.-general, and was appointed commander-in-chief under the presidency of Fort St. George; and in February, 1798, he succeeded to the military and civil government of the troops and territories of Madras. In December, 1798, the talents of lieut.-gen. Harris pointed him out to the Marquis Wellesley as the fittest person to command the army against the formidable power of Tippoo Sultaun. The forces under his command exceeded fifty thousand men; and the object of the campaign was accomplished by the capture of Seringapatam, the death of Tippoo, and the annexation of his dominions to his majesty's crown. The conqueror was promoted to the colonelcy of the 73rd foot, February 14, 1800; to the rank of lieut.-general, Jan. 1, 1801; and of general, Jan. 1, 1812. He was raised to the peerage by the title of lord Harris of Seringapatam and Mysore in the East Indies, and of Belmont in Kent, Aug. 11, 1815; and was appointed a grand cross of the Bath, May 27, 1820. His lordship succeeded general Francis Dundas as governor of Dumbarton Castle in January, 1824. During the latter years of his life he lived in

retirement at his seat in Kent. Lord Harris was justly proud of having been the architect of his own fortune, one of the clauses in his will runs thus: "To my estimable and much-loved daughter, Ann Lushington (the wife of the celebrated civilian), and to her worthy husband, and my highly esteemed friend, I leave 200*l.* each for a ring, or any *memento* they may choose, of our mutual regard; and to each of their children who may be living at the time of my decease I leave them mourning rings, in the hope they may at odd times bring their grandfather to memory, and recollect that, under Providence, he imputes his rise from *nothing* to his affluent fortune, to his economy and willing privation from self-indulgence through a long life." In another part of this will, the deceased thus disposes of the costly jewels which fell to his lot in the distribution of the Seringapatam prizes: "The jewels received by me, as part of the Seringapatam prize, I wish to entail as a memorial in the family of what Providence has done for it; and, to that intent, I bequeath the same to my said trustees. Upon the same trusts, the gold medal sent to Tippoo Sultan by Louis XVI. of France, bearing very strong likenesses of him and his queen Antoinette, and which being found among Tippoo's treasure by the prize-agents (chosen by the army not only to take charge and to dispose of the booty taken, but to decide on the share each individual was entitled to), was by them, in the name of that army, sent to me, requesting my acceptance of it."

At Bath, lieutenant-general James Montgomerie, colonel of the 30th foot, M. P. for Ayrshire, youngest brother to the late, and great uncle to the present, earl of Eglintoun.

JUNE.

1. In Russell-street, Bath, sir Wm. Burroughs, of Castle Bagshaw, county of Cavan, bart. Sir William was the third son of the rev. Lewis Burroughs, D. D. archdeacon of Derry, by Mary, daughter of Richard Cane, of Larabrian, co. Kildare, esq. and younger brother to the late rev. Newburgh Burroughs, also archdeacon of Derry. He filled for many years the office of advocate-general in Bengal, and was subsequently one of the Puisne judges at that presidency. He was created a baronet Dec. 1, 1804.

DEATHS.—JUNE.

1. In Devonshire-street, aged 37, the hon. Thomas Stapleton, eldest son of lord Le De Spencer. He married, in 1816, Maria Wyun, second daughter of Henry Bankes, esq. M. P. (who died Oct. 1823) and has left an only daughter, born in 1822.

2. At Plasneywydd Cottage, Llangollen, the hon. lady Eleanor Butler, aunt to the marquis of Ormond, K. P. It was about the year 1779, that Miss Butler and her companion, Miss Ponsonby (a cousin of the earl of Besborough) first associated themselves to live in retirement. It was thought desirable by their families to separate two individuals who appeared to encourage each other's eccentricities; and, after their first departure together, they were brought back to their respective relations. Lady Eleanor resolutely declined marriage, of which she was said to have had five offers; and the ladies soon after contrived to elope a second time, taking a small sum of money with them. The place of their retreat in the Vale of Llangollen was only confided to a female servant; and they lived for many years unknown to their neighbours by any other appellation, except "the ladies of the vale." The one was tall and masculine, always wore a riding habit, and hung up her hat with the air of a sportsman. The other was fair and ladylike. In 1796, the poetess Anna Seward celebrated the charms of "Llangollen Vale," with large eulogiums on the secluded pair.

— Major Hugh Lord, of the retired Invalids. He attained a majority in the 75th foot as long since as 1778; and was by seven years the senior major in the British army.

3. At East Horsley, Surrey, in his 74th year, William Currie, esq. of the banking-firm, of Currie and Co. Cornhill.

4. Aged 47, Edward, second lord Thurlow, who succeeded his uncle, the chancellor, in 1806, in pursuance of a special remainder in the patent. His lordship wrote and published a large quantity of poetry. The first which appeared, consisted of some sonnets prefixed to a private edition of "The Defence of Pöësy; the author sir Philip Sidney, knight," 4to, 1810. They were reprinted in "Verses on several occasions," 8vo. 1812. In 1814, appeared, in 4to, his "Moonlight," a Poem, with several copies of verses, in 8vo.—"The Doge's Daughter, a poem,

in two cantos; with several translations from Anacreon and Horace," dedicated to lord chancellor Eldon;—"Ariadne, a poem, in three parts," 8vo.;—and "Carmen Britannicum, or, the Song of Britain, written in honour of his royal highness George Augustus Frederick, Prince Regent." From 1814, his lordship appears to have rested until 1822, when he published modernized versions of "Arcite and Palemon;" "The Knight's Tale, and the Flower and the Leaf;" An original poem, entitled "Angelica, or the Rape of Proteus," and a thin volume of "Poems on several occasions." Lord Thurlow married, Nov. 13, 1813, Miss Mary Catherine Bolton, an actress of Covent-garden Theatre, and eldest daughter of Mr. James Richard Bolton, an attorney in Long Acre. By this lady, who survives him, he had three sons: 1. the right hon. Edward Thomas, born in 1814, and now lord Thurlow; 2. the hon. Thomas Hugh; 3. the hon. John Edmund.

5. At Brussels, the right hon. the dowager countess of Arran.

— At Bath, aged 23, Richard Martin, late of New College, Oxford, 2nd son of John Martin, esq. M. P.

7. At Clapham, aged 97, John Boland, esq.

8. At Northlands, Sussex, the rev. George Augustus Frederick Chichester, M. A. of Downing college, Cambridge, only brother to lieut.-col. Chichester, M. P. and nephew to the duchess of Marlborough, the Marquess of Donegal, K. P., the earl of Galloway, K. T., the bishop of Quebec, &c. &c. He was the younger son of the late lord Spencer Stanley Chichester, by lady Anne Harriet Stewart, second daughter of the late and seventh earl of Galloway.

8. At Wilbraham, Cambridgeshire, aged 92, the rev. John Stevenson, vicar of that place, rector of Allerton, and chaplain to Trinity College, Cambridge. He had held the living of Wilbraham for sixty-seven years.

9. In Fenchurch-buildings, much respected, aged 64, Henry Rivington, esq., solicitor and clerk to the Company of Stationers. He was the youngest son of John Rivington, esq. and brother of Chas. Rivington, esq. the eminent booksellers of St. Paul's Church-yard, and Waterloo-place.

— At lord Wallace's house, Portman Square, aged 62, the right hon. dowager viscountess Melville. She was lady

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Jane Hope, daughter of John second earl of Hopetoun, by his second wife, Jean, daughter of Robert Oliphant, esq. She became the second wife of Henry first viscount Melville in 1793; and having been left his widow in 1811, was married secondly, in 1814, to the present lord Wallace. She had no children by either marriage.

10. In Great George-street, Westminster, aged 78, lady Eliz. Fane, relict of the late John Fane, esq. M. P., and sister to the earl of Macclesfield.

12. At Cheltenham, in her 60th year, Sophia, relict of the hon. Robert Walpole, for many years Minister Plenipotentiary at Lisbon.

13. At his seat, Kilmorey, Argyle-shire, the lady of sir John Powlett Orde.

17. At Leamington, aged 30, Brook Henry Bridges, esq. M. A. of the Middle Temple, barrister-at-law, and fellow of Merton College, Oxford; cousin to sir Brook William Bridges, of Goodneston, in Kent, bart.

22. At Bromley, aged 42, lady Anne, wife of Robert Fraser, esq. of Torbreck, and eldest daughter of the earl of Lauderdale.

23. Of paralysis, aged about 47, Mr. Terry, the comedian. He was a native of Bath, and received his education partly at the grammar-school of that city, and partly at a private academy, kept by the rev. Edward Spencer, esq. at Winkfield, in Wiltshire. At the age of sixteen he was placed under Samuel Wyatt, esq. in the view of becoming an architect. He pursued his studies with that gentleman for five years; but, at the close of that term, having imbibed a strong partiality for the stage, took an opportunity, when at Sheffield for a few weeks in 1803, to make trial of it as an amateur, in Mr. Macready's company. He chose for his first attempts the subordinate parts of Tressel in "Richard the Third," Cromwell in "Henry the Eighth," and Edmund in "King Lear." Not feeling his inclination abated by the experiment, he in 1805 regularly entered the profession as an actor, and became a member of Mr. Stephen Kemble's company in the North of England, which he quitted upon its dissolution in August, 1806, after a year and a half of very varied and laborious practice. He now went to Liverpool, where he continued to play in all the usual class of characters until November, 1809, when he was engaged by Mr. Henry Siddons

to lead the business of the Edinburgh theatre. There he first acquired considerable popularity, and, from his remaining in that city three years, and forming many intimacies, Mr. Terry was frequently regarded as a Scotsman. In the summer of 1812 he was invited to the little theatre in the Haymarket, where he made his début, May 20, as lord Ogleby, in the "Clandestine Marriage," and was well received; and in September, 1813, he concluded an engagement with the managers of Covent-garden, from whence, in 1822, he transferred his services to Drury-lane. As a performer of every species of old men, in comedy or farce, Terry merited very great praise.

23. At Leamington, sir Nich. Conway Colthurst, bt. M. P. for the city of Cork.

— At Keel-hall, near Newcastle-under-Lyme, Walter Sneyd, esq. in his 78th year.

— In Langham-place, Eleanor, wife of T. G. Bucknall Eastcourt, esq. M. P. eldest surviving daughter and coheir of James Sutton, esq. of New Park, Wilts, by Miss Eleanor Addington, sister to lord Sidmouth.

26. In Berkeley-square, in her 80th year, the right hon. Harriet viscountess Hampden. She was the only daughter of the rev. Dr. Burton, canon of Christchurch, and was married to the hon. John Hampden, envoy to the court of Sardinia, in 1773. He succeeded his brother as third viscount Hampden, Aug. 20, 1824, and died eighteen days after, having had no issue. The title is extinct.

27. Aged 89, Daniel Leonard, esq. formerly chief justice of Bernuda.

28. At Copenhagen, aged 71, professor Rasmus Nyerup, librarian at the university, and professor of literary history. He was author of several works relating to Danish history, literary history and biography, and literary antiquities. He also published a description of Copenhagen, and was engaged with professor Rahbek, in the "Udsigt over Dansk Literature;" the first volume of which appeared in 1828.

29. At the Rectory, Stoke Newington, aged 77, the rev. George Gaskin, D. D. prebendary of Ely, rector of Newington, and St. Benet, Gracechurch, in the city of London. He filled the office of secretary to the Society for Promoting Christian Knowledge for the long period of thirty-seven years.

DEATHS.—JULY.

30. At Bedwell-park, Herts, aged 61, sir Culling Smith, bart. of Hadley, in Middlesex.

— At the seat of her son-in-law, E. Cludde, esq. Wrockwardine, Eliza-Anne, wife of lieut.-gen. sir W. Cockburn, bart.

Lately. On board the yacht Watersprite, in Catwater, Plymouth, in the prime of life, the right hon. Charles-Barry Bingham, second lord Clanmorris.

In Grosvenor-square, in her 92nd year, the right hon. lady Robert Manners. Her husband was a half-brother of the third duke of Rutland, and great-great-uncle to his present grace.

Mrs. Raachael-Fanny-Antouina Lee, *sol-disant* baroness le Despencer. This eccentric woman was reputed to have been a natural daughter of sir Francis Dashwood, bart., lord le Despencer. She was married about 1794 to Matthew Allen Lee, esq. but separated in 1795, with a settlement of 1,000*l.* a year. In 1804 she became notorious by an alleged abduction from her house in Bolton-row, by two brothers, the rev. Lockhart Gordon and Mr. Loudoun Gordon, cousins to the earl of Aboyne. The gentlemen were tried at the Oxford assizes, when judge Lawrence presided; and, on Mrs. Lee admitting, among other circumstances, that, on the Uxbridge-road she drew from her bosom a gold locket containing a camphor-bag, and, exclaiming, "This has hitherto preserved my virtue!" threw it away, and added, "Now welcome pleasure!" his lordship stopped the trial, and directed the jury to acquit the prisoners, at the same time censuring their conduct as disgraceful in the extreme. Mrs. Lee was a lady of ample fortune, and of masculine and accomplished mind. Of late years she was of a suspicious disposition, disliking much the company of her own sex. She published "A Vindication of her Conduct," and "An Essay on Government," 8vo.

In Belgrave-street, aged 50, the right hon. Katherine-Mary lady Forester, sister to the duke of Rutland.

JULY.

1. At Huy, near Liege, aged 50, sir Charles Oakeley, bart.

3. At Springfield Lyons, R. Andrews,

esq. many years receiver-general for the eastern division of the county of Essex.

3. At Cassel, in France, James Bulstrode Whitelocke, commander R.N.

4. At Swansea, aged 24, Jos. Sewell, called the Lincolnshire giant, being a native of Scambleslee in that county. He was seven feet four inches high, and weighed thirty-seven stone.

6. In South Audley-street, aged 80, Anna-Maria, daughter of Dr. Shipley, late bishop of St. Asaph, and relict of the celebrated sir Wm. Jones.

8. Lieut.-col. George Higgins Raban, C.B. of Saville-row, London.

9. At Dudley-grove, Paddington, aged 70, William Thomas Fitz-Gerald, esq. one of the vice-presidents of the literary fund. Mr. Fitz-Gerald received the first part of his education at the academy at Greenwich, under the predecessor of Dr. Charles Burney. He was afterwards sent to the royal college of Navarre, in the university of Paris, and when Mr. Fitz-Gerald left college, his father presented him to Louis the Sixteenth. Upon his return to England he was entered as a member of the Inner Temple, and became a pupil of the late sir Vicary Gibbs. In the year 1782, through the interest of his uncle Henry Martin, esq. commissioner at Portsmouth (and afterwards comptroller of the navy, and created a baronet in 1791), Mr. Fitz-Gerald obtained a situation in the Victualling branch of the Navy Pay-office; in which he continued, rising as vacancies occurred, until about twenty-five years since, when he retired upon the allowance usually allotted to such length of service. Among Mr. Fitz-Gerald's earlier poems are "The Sturdy Reformer;" "The Tribute of an humble Muse to an unfortunate captive Queen, widow of a murdered King;" and "Lines on the murder of the Queen of France." About the same period also Mr. Fitz-Gerald's muse was frequently called on by his theatrical friends, to whom he contributed prologues both for the public stage and private theatres. These pieces, together with other poems on various occasions, he collected into one volume, and published in 1801. In 1798 he published a poem called "Nelson's Triumph, or the Battle of the Nile;" and in 1806, "Nelson's Tomb, a Poem," 4to. To which he added, "An Address to England on her Nelson's Death." In 1802 "The Tears of Hibernia dispelled by the Union," 4to.

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On all public occasions Mr. Fitz-Gerald's pen was ever ready.

10. At Epsom, aged 68, Michael Halliday, esq. senior captain in the royal navy.

— At the Sessions-house, Old Bailey, aged 74, Thomas Shelton, esq. clerk of the peace, clerk of the arraigns, registrar of the lord mayor's court, and coroner for the city of London.

14. At Cole Orton-hall, aged 73, lady Beaumont, widow of the late sir George Beaumont, bart. D.C.L. F.S.A. She was the daughter of John Willes, esq. of Astrop in Northamptonshire, the eldest son of lord justice Willes.

15. At Redcar, Bartholomew Rudd, esq. of Marton-lodge, Cleveland, barrister-at-law, a deputy lieutenant, and commissioner of taxes, for the North Riding.

17. On his road from Epping to Bury, aged 62, lieutenant-general Henry Conran, colonel of the 98th regiment, and formerly lieutenant-governor of Jamaica.

19. At his residence at Dulwich, aged 70, Anthony Highmore, esq. formerly of Gray's-Inn, solicitor. He commenced practice in 1783; and in the same year he gave to the world the first professional produce of his pen, the "Digest of the Doctrine of Bail." Four years afterwards he produced "The History of Mortmain and Charitable Uses." In 1791 he published his "Reflections on the Law of Libel; in 1793, the "Addenda to the Law of Charitable Uses;" in 1796, the "Practical Arrangement of the Laws of Excise," 2 vols. 8vo.; and in 1804, his "History of the Honourable Artillery Company." Besides the above, he was the author of numerous other publications, among which are a "Treatise on the Law of Idiocy and Lunacy;"—and, in 1807, "Philanthropia Metropolitana," which appeared in 1822.

— At Laxton-hall, Northamptonshire, aged 87, George Freke Evans, esq. next brother to lord Carbery.

21. Aged 47, Mr. Rutherford, for many years a provincial actor, and who occasionally performed at the Royalty and West London theatres. Mr. Rutherford had received a classical education; and some years ago he was the editor of a newspaper in the West Indies. His political notions, however, compelled him to quit the western islands for England. By the time that his funds had become exhausted, he had

arrived at the distinction of being an actor in the tragic line in a country theatre. For the last few years he obtained a pittance by translating and writing for authors and dramatic agents. He had several children (the fruit of an unhappy union with a lady of fortune, who died about three years ago), residing in the West Indies; but he had no relative in London. He was found dead in his bed, at his lodging, a garret at the Sun and Apple-tree public-house, in White Hart-yard, Catherine-street. An empty bottle, which had contained laudanum, was found by the bed-side; and it appeared at an inquest, that laudanum had occasioned his death. A verdict of "insanity" was returned.

21. In Conduit-street, Lucy, wife of Edmond Wodehouse, esq. M.P. for Norfolk.

28. Aged 65, John M'Cartney, M.D. senior physician to the Liverpool Infirmary.

30. At Abingdon, while on the circuit, sir John Hullock, knight, Baron of the Exchequer, aged 65. He was the son of Timothy Hullock, esq. of Barnard Castle, Durham; and was appointed Baron of the Exchequer in 1823.

31. At Bretton-hall, near Barnsley, Thomas Richard Beaumont, esq. formerly M.P. for Northumberland.

— In York-terrace, Regent's-park, aged 56, sir Henry Chamberlain, bart. formerly consul-general and chargé d'affaires in the Brazils.

Lately. At Hampstead, aged 73, rear-admiral sir James Atholl Wood, knight, C.B.; uncle to sir Mark Wood, the present and second baronet of Gatton in Surrey.

AUGUST.

2. Aged 84, John Parke, esq. a celebrated musician of the old school, and musician in ordinary to his late majesty.

5. At Tynemouth, the lady of sir Charles Loraine, bart.

6. Mr. Hughes, landlord of the Black Bull, Camberwell, after undergoing a surgical operation in cutting for a sixpence, which was sticking in his throat, he having swallowed it some weeks before, whilst playing with his child.

— At Rolvenden, Kent, aged 98, John Henry, esq. admiral of the red. In 1805 he published a pamphlet giving an account of the means employed by

DEATHS.—Aug.

him in curing rheumatism, tendency to gout, tic douloureux, cramp, &c., and for extracting cataract.

7. In Parliement-place, aged 77, John Reeves, esq. M.A. F.R.S. and F.S.A. a commissioner of bankrupts, and formerly chief justice of Newfoundland. Mr. Reeves received his education on the foundation at Eton; but, failing in his expectation of a Fellowship at King's College, Cambridge, he entered himself of Merton College, Oxford, where he took the degree of B.A. From thence he was elected to a scholarship at Queen's, became a Fellow there, and took the degree of M.A. May 21, 1778. Determining to engage in the profession of the law, he became a member of the Middle Temple, and about 1780 was called to the bar. His first publication was, in 1779, "An Enquiry into the nature of Property and Estates as defined by the laws of England, in which are considered the opinions of Mr. Justice Blackstone, and Lord Coke, concerning Real Property," 8vo. In the same year he also produced, "A Chart of Penal Laws, exhibiting by lines and colours an historical view of crimes and punishments, according to the law of England, in which, the several offences being distributed under separate columns, the origin and progress of the laws respecting each offence are shewn in chronological order, and the degree of guilt specified by a peculiar colour assigned to each." This was engraved on two sheets. In 1780 Mr. Reeves was appointed a commissioner of bankrupts; and in 1783 he produced the first volume of his "History of the Common Law, from the Saxons to the end of the reign of Edward the First," 4to. A second volume, to the end of the reign of Henry VII. was published in 1784; and, in 1787, appeared a second edition of the work, in four vols. 8vo. with considerable additions, continuing it to the end of the reign of Philip and Mary. In 1789 he published "Legal Considerations on the Regency, as far as regards Ireland." In 1789 Mr. Reeves was elected a Fellow of the Society of Antiquaries, and in 1790, of the Royal Society. In 1791, upon a court of judicature being instituted at Newfoundland, Mr. Reeves was appointed chief justice, and went there to execute the duties of his office; but his absence from England was of very short duration. On his return to England in the

autumn of 1792, finding the public mind agitated by the revolutionary proceedings in France, he summoned a meeting at the Crown and Anchor Tavern, on the 20th Nov. 1792. The assembly placed Mr. Reeves in the chair, and formed themselves into an "Association for preserving Liberty and Property against Levellers and Republicans," announcing the following as the objects for which they met: 1. "For discouraging and suppressing seditious publications, tending to disturb the peace of this kingdom, and for supporting a due execution of the laws made for the protection of persons and property;" 2. "To use its best endeavours occasionally to explain those topics of public discussion which have been so perverted by evil-designing men; and to show, by irrefragable proof, that they are not applicable to the state of this country, that they can produce no good, and certainly must produce evil;" 3. "To recommend to all those who are friends to the established laws and to peaceable society, to form themselves, in their several neighbourhoods, into similar societies." In 1792 Mr. Reeves published "A History of the Law of Shipping and Navigation," 8vo. which included in it the history of the different branches of foreign and domestic trade, and of the fisheries carried on, either upon our coasts or abroad. The work was divided into three parts. The first contained the earliest laws enacted on the subject down to and including the Act of Navigation passed in 1651. The second began with the famous Act of Navigation passed 12 Charles II. and contained an account of all the laws from that period to the peace in 1783. The third commenced in 1783, and stated and examined the laws down to the year 1792. In the next year (1793) Mr. Reeves produced a "History of the Government of the Island of Newfoundland. With an Appendix, containing the Acts of Parliament made respecting the Trade and Fishery." The profits of the publication were appropriated "to the relief of the suffering clergy of France, refugees in the British dominions." Mr. Reeves published in 1794 "The Malcontent; a Letter to Francis Plowden, esq." 8vo.; and he is believed to have been the author of "The Grounds of Alderman Wilkes and Boydell's profound Petition for Peace examined and refuted," 1795, 8vo. In 1796 a pamph-

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let was printed anonymously, entitled, "Thoughts on the English Government; addressed to the quiet good sense of the people of England. In a series of Letters, Letter I." 8vo. This pamphlet became almost immediately the object of animadversion in both Houses of Parliament. A complaint was made against it by Mr. Sturt, in the House of Commons, and a committee was appointed to inquire who was the author. On their report that it was the production of Mr. Reeves, the attorney-general was ordered to prosecute him for a libel, and the information was tried on 20th May, 1796. The result of the whole, to use the words of the foreman of the jury, was, "That the pamphlet, which had been proved to have been written by John Reeves, esq. is a very improper publication; but being of opinion that his motives were not such as laid in the information, they found him *Not Guilty*." Mr. Reeves, however, was not to be deterred by these prosecutions. In 1799 he published "Letter the Second;" and in 1800 "Letter the Third," and "Letter the Fourth." In 1800 Mr. Reeves published "A Collection of the Hebrew and Greek texts of the Psalms," 8vo.; and in 1801 "Considerations on the Coronation Oath to maintain the Protestant Reformed Religion, and the Settlement of the Church of England as prescribed by Stat. 1 W. M. c. 6, and Stat. 5 Anne, c. 8." This pamphlet was written with good sense and moderation, and went through two editions, the second of which was enlarged by some Remarks on Pamphlets by Mr. Butler and another writer on the Coronation Oath. Mr. Reeves considered that the Sovereign could not, in conformity with his Coronation Oath, emancipate the Irish Roman Catholics. In 1800 Mr. Reeves was appointed by Mr. Pitt to the office of King's printer, in conjunction with Messrs. Eyre and Strahan. In this capacity he published several editions of the Bible and Book of Common Prayer. His Prayer-book was dedicated to Queen Charlotte. A magnificent edition of the Bible was produced by him in nine volumes, 4to., five of which were notes. In 1805 Mr. Reeves published "A Proposal of a Bible Society for distributing Bibles on a new plan. Submitted with a hope of making thereby the Holy Scriptures more read and better understood;" and in 1807, a pamphlet entitled,

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"Observations on what is called the Catholic Bible." For many years Mr. Reeves filled (jointly with the two under secretaries of state) the situation of superintendant of Aliens. He was also law-clerk to the Board of Trade, and, from 1800 till his death, one of the treasurers for the Literary Fund for the relief of distressed Authors. Mr. Reeves was possessed of a most excellent library; and enjoyed his critical skill in the learned languages, till his advancing infirmities prevented his attendance on any kind of business. He was not married; his habits were economical, and he died possessed of considerable wealth.

8. At Framlingham, in Suffolk, aged 73, Dr. Edmund Goodwyn, author of the following scientific and professional works, viz. "Dissertatio Medica de Morte Submersorum," Edinb. 1786, 8vo.; and "The Connection of Life with Respiration;" 1788.

14. At Aberdeen, aged 86, Robert Hamilton, LL. D. F. R. S. Edinburgh, professor of mathematics in the Marischal College. This gentleman had been for fifty years a professor in that University. His first chair was that of the Oriental Languages; he was appointed to that of Natural Philosophy about 1782, and held it, until he removed to that of Mathematics about 1817. His publications were entitled "An Introduction to Merchandize," 1777, two vols. 8vo.; "System of Arithmetic and Book-keeping," 1788, 12mo.; and "An Enquiry into the rise and progress, the redemption and present state of management, of the National Debt of Great-Britain," 8vo. 1813.

16. At the house of her youngest son, Richard Penn, esq. in Great George-st. aged 73, Mary, relict of the hon. Rich. Penn, one of the hereditary lords of Pennsylvania.

— At Brighton, aged 30, the hon. Henry Edward Edwardes, eldest son of lord Kensington.

— At Haregills, near Ecclefechan, North Britain, Mrs. Carruthers, an old lady of very eccentric habits. At all booksellers' shops and circulating libraries, she was a constant and unwearied attendant; and such was her eagerness for books, that she was constantly seen, on her migrations to a library, seated on an old Sheltie, industriously reading. For many years previous to her death she had become

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so fond of reading on horseback, that, when the weather was so stormy that she could not travel from home, she has been known to mount her Highland pony in her own barn, and read there, while it moved round the area.

18. At the house of his friend John Crawford, esq. in George-street, Hanover-square, the rev. Algernon Langton, reader of the Rolls chapel. He was the third son of the late Bennet Langton, esq. and Mary dowager countess of Rothes.

— At his seat, Ferntower, in Perthshire, the right hon. general sir David Baird, bart. G.C.B. and K.C. a privy councillor for Ireland, governor of Fort George, and colonel of the 24th regiment. He was the fifth (but second surviving) son of William Baird, esq. (heir, by settlement, of his second cousin sir John Baird, bart. of Newbyth) by Alicia, fourth daughter of — Johnstone, esq. of Hiltown, co. Berwick. He entered the army at the close of 1772, as ensign in the 2nd foot; and joined the regiment at Gibraltar in the April following. In 1776 he returned with the regiment, in 1778 obtained a lieutenancy, and, in September of the same year, was named captain of the grenadier company in the 73rd regiment, then raised by lord Macleod. This corps he joined at Elgin, whence it marched to Fort-George, thence embarked for Guernsey, and, in the course of 1779, sailed for Madras. It was in the year of its arrival that Hyder Ally made his irruption into the Carnatic. He had interposed his vast army between that of the British, commanded by sir Hector Monroe, and a smaller force under the command of colonel Baillie; and the latter apprised his commander that he had sustained a loss which rendered him incapable of advancing, whilst his total want of all provisions made it equally impossible for him to remain where he was. Sir Hector Monroe, with the advice of a council of war, determined to supply colonel Baillie with such a reinforcement, as would enable him to push forward in despite of the enemy. The detachment selected consisted in all of about one thousand men, under the conduct of colonel Fletcher; and its main force was composed of the grenadier and infantry companies of lord Macleod's regiment, commanded by captain Baird. Their junction with colonel Baillie was

effected. But on their return, on the 10th of September, when day-light had scarcely broken, and when they were in a narrow defile, a battery of twelve guns opened upon them, and poured grape shot in upon their right flank. The English faced about; another battery immediately opened on their rear. They had no choice, therefore, but to advance; other batteries met them here likewise; and in less than half an hour, 57 pieces of cannon were so brought to bear on them, as to penetrate into every part of the British line. By seven o'clock in the morning, the enemy poured down upon them in thousands, and every Englishman in the army was engaged. Colonels Baillie and Fletcher, and captain Baird, had only ten pieces of cannon, but these were so excellently served that they made great havoc amongst the enemy. At length after a dubious contest of three hours, from six in the morning till nine, victory began to declare for the English; when a misfortune occurred, which totally changed the fortune of the day. By some accident, the tumbrils, which contained the ammunition, suddenly blew up, in the centre of the British lines. One whole face of their column was thus entirely laid open, and their artillery overturned and destroyed. The destruction of men was great, but the total loss of their ammunition was still more fatal to the survivors. Tippoo Saib instantly saw and seized the moment of advantage. Without waiting for orders, he fell with the utmost rapidity, at the head of the Mogul and Carnatic horse, upon the broken square, which had not yet had time to recover in any degree its form and order; this attack by the enemy's cavalry was immediately seconded by the French corps, and by the first line of infantry. After prodigies of valour, the Sepoys were almost to a man cut to pieces. Colonels Baillie and Fletcher, assisted by captain Baird, made one more desperate effort; they rallied the Europeans, and, under the fire of the whole immense artillery of the enemy, gained a little eminence, and formed themselves into a new square. In this array, though totally without ammunition, they resisted and repulsed the enemy in thirteen different attacks; until at length they were fairly borne down and trampled upon, many of them still continuing to fight,

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under the very legs of the horses and elephants. The loss of the English in this engagement, called the battle of Perimbancum, amounted to about 4000 Sepoys, and 600 Europeans. Colonel Fletcher was amongst the number of those who were slain on the field. Colonel Baillie and captain Baird, after being severely wounded, together with several other officers, and 200 Europeans, were made prisoners. They were carried into the presence of Hyder, who received them with the most insolent triumph. "Your son will inform you," said colonel Baillie, appealing to Tippoo, who was present, "that you owe the victory to our disaster, rather than to our defeat." Hyder angrily ordered them from his presence. They were marched to one of Hyder's nearest forts, and there imprisoned in horrible dungeons. Captain Baird was chained by the leg to another prisoner. After remaining a prisoner at Seringapatam three years and a half, he was in March, 1784, released, and in July he joined, at Arcot, his regiment, which in 1785 changed its number to the 71st. In 1787 he embarked with it for Bombay, and returned to Madras in 1788. He received the majority of the 71st, June 5, 1787; and in October obtained leave of absence, and visited Britain. He obtained the lieut.-colonelcy of the regiment, Dec. 8, 1790; and in 1791 returned to India, and joined the army under marquess Cornwallis. He commanded a brigade of Sepoys, and was present at the attack of a number of Droogs, or hill forts; at the siege of Seringapatam, in 1791 and 1792; and likewise at the storming of Tippoo Sultaun's lines and camps on the island of Seringapatam. In 1793 he commanded a brigade of Europeans, and was present at the siege of Pondicherry. In 1795 he was appointed colonel. In October, 1797, he embarked at Madras with his regiment for Europe; in December he arrived at the Cape of Good Hope, when he was appointed brigadier-general, and placed on that staff in command of a brigade. He was promoted to the rank of major-general, June 18, 1798, and removed to the staff in India. He sailed from the Cape for Madras in command of two regiments of foot and the drafts of the 28th dragoons, and arrived in January, 1799. On the 1st of February he joined the army forming at Velore, for the attack of Seringapatam, and commanded a brig-

ade of Europeans. On the 4th of May he commanded the storming party with success, and, in consequence, was presented by the army, through lieutenant-general Harris, commander-in-chief, with Tippoo Sultaun's state sword, and a dress sword from the field officers serving under his immediate command at the assault. In 1800, he was removed to the Bengal Staff, and commanded a brigade, &c. at Dynypore. In 1801 he was appointed to command the expedition which was sent to Egypt. He landed at Cossir in June with the army, crossed the Desert and embarked on the Nile; he arrived at Grand Cairo about the month of July, and joined lieutenant-general sir John Hutchinson's army a few days before the surrender of Alexandria. In May, 1801, he was appointed colonel of the 54th regiment; in 1802 he returned across the Desert to India, in command of the Egyptian Indian army. He was removed to the Madras Staff in 1803, and commanded a large division of the army forming against the Mahrattas. He marched into the Mysore country, where the commander-in-chief, lieutenant-general Stuart, joined him, and afterwards arrived on the banks of the river Jambudra, in command of the line. Major-general Wellesley being appointed to the command of the greater part of the army, major-general Baird proceeded into the Mahratta country; and finding that his services could be of no further use, he obtained permission to return to Britain. He sailed in March with his staff from Madras, and was taken prisoner by a French privateer; in October he was re-taken, as the ship was entering Corunna. He arrived in England the 3rd of November, having given his parole that he should consider himself as a prisoner of war; but, shortly after, major-general Baird and staff were exchanged for the French gen. Morgan and his staff. He was appointed lieutenant-general Oct. 30, 1805, and commanded an expedition against the Cape of Good Hope. He arrived there the 5th of January 1806; made good the landing on the 6th; on the 8th attacked the Dutch army and beat them; on the 10th, the castle and town of Cape Town surrendered, and, on the 18th, general Jansens surrendered the colony. In 1807 he was recalled; and arrived on the 12th of April at Portsmouth. On the 19th of July he was removed from the colonelcy of

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the 54th to the colonelcy of the 24th, and placed on the foreign staff under gen. lord Cathcart. He commanded a division at the siege of Copenhagen, where he was twice slightly wounded; and returned with the army in November. In 1808 sir David was placed on the Irish Staff, and commanded the camp on the Curragh of Kildare. In September of that year, he embarked at the Cove of Cork, in the command of a division consisting of about 5000 infantry, for Falmouth, where he received reinforcements, and sailed in command of about 10,000 men for Corunna, where he arrived in the beginning of November, and formed a junction with the army under lieutenant-gen. sir John Moore. He commanded the first division of that army; and in the battle of Corunna, on the 16th Jan. 1809, he lost his left arm. Sir David Baird communicated to government the victory of Corunna, and received the thanks of both Houses of Parliament; "an honour of which," he remarked in his reply to the House of Peers, "no one can be more fully sensible than myself, having had the good fortune to be deemed worthy of this eminent distinction on four several occasions," alluding to his name having been included in the votes of thanks for the operations of the army in India, 1799, for those of Egypt in 1801, and in the Danish expedition in 1807. In testimony of the royal approbation, general Baird was created a baronet by patent dated April 13, 1809; he was promoted to the rank of general, June 4, 1814; and was appointed governor of Kinsale in 1819; and of Fort George, on the death of general Ross, in 1827. He married, Aug. 4, 1810, to Miss Preston Campbell, of Ferntower and Lochlane.

20. At Bury St. Edmund's, in his 46th year, John Palmer Cullum, esq. attorney-at-law, Bath king-at-arms, and the alderman of that borough. He was the youngest son of sir Thomas Geary Cullum, the present and seventh baronet of Hawstead.

21. At Pleremore, William Trafford, esq. second son of the late John Trafford, esq. of Trafford-park, near Manchester.

22. At Milan, George Losack, esq. admiral of the blue, son of Richard Hawkshaw Losack, esq. of St. Kitt's, and lieutenant-governor of the Leeward Islands.

23. In Portman-square, aged 51, sir Henry Cann Lippencott, second bart. of Stoke Park, near Bristol.

23. At Glaiston-hall, co. Rutland, aged 42, sir Thomas Whichcote, sixth baronet; brother-in-law to the earl of Harborough, and cousin to lord viscount Galway.

26. At his seat, Orleton, near Wellington, William Cludde, esq.

27. At Stapleford, Notts, aged 73, Arnold Warren, esq. only brother of the late admiral sir John Borlase Warren, bart.

27. At Starston, in the house of his son, the rev. Wm. Pakenham Maxwell Spencer, the rector of that parish, lieutenant-general William Spencer, of Bramley Grange, Yorkshire.

28. Mr. James Dunwell, of Brekenfoot, near Harrowgate. The deceased, though only 24 years of age, weighed upwards of forty stone, and was supposed to be the fattest man of his age in England.

29. In Camberwell-grove, on her 93rd birth-day, Mrs. Mary Frances Ann Galabin.

By an accident on his road from Killarney to Mitchelstown, aged 52, William Wadd, esq. of Park-place, St. James's, surgeon-extraordinary to his majesty, one of the council of the Royal College of Surgeons, and a member of the Court of Examiners, a fellow of the Linnæan Society, and of the Société de Médecine at Paris. He was the eldest son of Solomon Wadd, esq., an eminent surgeon in Basinghall-street. Having been initiated in his profession by his father, Mr. Wadd became a pupil of sir James Earle, and was apprenticed to him at St. Bartholomew's Hospital in 1797. He commenced business as a consulting surgeon at the west end of the town, where his practice was chiefly among the higher circles. For the last six or seven years he was one of the council of the College of Surgeons; and, only a few weeks before his death, was appointed to succeed Mr. Abernethy as a member of the Court of Examiners. From the year 1807, Mr. Wadd published several professional works on Strictures, &c. of much practical utility, besides contributing largely to the Medical Journal. During his leisure hours he employed himself in etching numerous anatomical plates, an art in which he had received the instructions of Mr. Hill. In 1824, Mr. Wadd published the first of a series of collections of medical anecdotes and facetiæ, entitled "Nona Chirurgicæ; or, a Biographical Miscel-

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lany, illustrative of a collection of Professional Portraits ;" It was followed, in 1827, by "Nugæ Canoræ ; or, Epitaphian Mementoes (in stone-cutters' verse) of the Medici family of modern times. By Unus Quorum ;" and in the same year, by "Mems., Maxims, and Memoirs." Mr. Wadd's last amusing publication was on the subject of corpulence,—one which had particularly interested him for many years. His first researches on the subject appeared anonymously in 1810, under the title of "Cursory Remarks on Corpulence." The publication of 1828 bore the alliterative title of "Comments on Corpulency, Lineaments of Leanness, Mems. on Diet and Dietetics." His talents in etching were displayed in it in some caricature plates worthy of a disciple of Cruikshanks. Mr. Wadd left town about ten days before his death, in company with Arthur Tegart, esq. of Pall Mall, apothecary extraordinary to his majesty, for a short tour in the south of Ireland ; and, after spending a few days at Killarney, was proceeding in a post-chaise to Mitchelstown, the seat of the earl of Kingston. About a mile and a half from Killarney, the horses, through some neglect of the driver, took head, when Mr. Wadd opened the chaise-door, and in jumping out fell to the ground. Mr. Tegart remained in the carriage ; and, after being carried two miles, got safely out of it, the horses having been checked by a park-wall. On Mr. Tegart's returning to the spot where Mr. Wadd lay, he found that unfortunate gentleman quite dead, although he had imagined that he saw him on his feet after the fall.

30. In Cavendish, esq. Mary, widow of William Tufnell, esq. M. P. for Colchester.

31. Aged 24, lady Anne Frederica Catherine, wife of the hon. Arthur Charles Leggc, M. P., and sister to the earl of Sheffield.

— In Whitecross-street Prison, John Clifton Andrews, aged 40. He was a major on the half-pay list of the British army, and had served in the East Indies.

Lately. At Aghadoe, Ireland, Catharine Keen, aged 118. She was born towards the close of the reign of queen Anne, and retained her faculties to the last. Her constant diet was oatmeal.

At Sierra Leone, aged 55, John Wm. Bannister, esq. chief justice and judge

of the vice-admiralty court in that colony. This gentleman was the second son of John Bannister, esq. of Steyning in Sussex ; and was brought up to the navy. He was a midshipman from the early age of nine years ; and saw much hard and honourable service on the North American station. Not succeeding in obtaining employment after the peace, Mr. Bannister, in 1819, located a tract of land in Upper Canada, and entered earnestly into colonial interests ; some of which he endeavoured to promote by a pamphlet, published in London in 1822, entitled "Sketches and Plans for settling in Upper Canada a portion of the unemployed Labourers of Great Britain and Ireland." Perceiving in Canada that influence might be gained through the practice of the law, he came home, and was called to the Bar by the Middle Temple in 1826, with the intention of returning to North America. In 1828, however, he went as chief justice to Sierra Leone.

At Paris, aged 71, François Nicodami, professor of the pianoforte at the Conservatoire de Musique. He acquired a large fortune by his profession, and was remarkable for his charity, having been known to bestow 20,000 fr. in a single gift.

At Caen, aged upwards of 70, of apoplexy, M. Havin, a member of the National Convention at the Revolution. He was banished after the Hundred Days, but was subsequently permitted to return to France.

Aged 68, general count de Sapinaud, who made a figure in the war of La Vendee during the revolution.

SEPTEMBER.

1. At Orierton, Charlotte, lady of sir John Owen, bart. M. P. and lord lieut. of the county of Pembroke.

— Drowned by the upsetting of a boat, in the lake of Geneva, aged 18, Chas. Galignani, younger brother of Messrs. A. and W. Galignani, English publishers, Paris.

3. At Swan-hill, Oswestry, aged 84, general John Despard. This meritorious veteran was in twenty-four engagements ; had two horses shot under him ; was shipwrecked three times ; taken prisoner once ; and had the standard of his regiment shot out of his hand, when he was an ensign at the age of 15.

4. Aged 26, Mr. George Gwilt, jun.

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architect, eldest son of G. Gwilt, esq, F. S. A.

4. At Baltimore, where he had long resided, sir Richard Lyttleton Reynell, fifth bart. of Ireland. The title devolves on his only surviving brother, major-gen. sir Thomas Reynell, K.C.B.

5. At his country seat near Paris, of apoplexy, in his 62d year, count Daru, the author of the "History of Venice," an active member of the Chamber of Peers, and formerly one of Napoleon's intendant-generals.

— At Ryde, aged 21, Anthony, second son of sir John Richardson, of Bedford-square.

7. Near Dublin, major Keating, E. I. C's service.

11. At his seat, Foxley, Herts, sir Uvedale Price, bart. author of the well-known and excellent work on the "Picturesque."

13. At Bury, aged 93, Susanna, widow of Ashley Palmer, esq. and sister to sir Thomas Gery Cullum, bart.

14. At Fernando Po, col. Edward Nicolls, R. M. civil governor of that settlement.

15. At Brighton, aged 76, the right hon. Charles Stanhope, third earl of Harrington, viscount Petersham, and baron Harrington.

16. At Dublin, whither he had repaired to propagate his views, by the delivery of lectures, in his 60th year, Mr. James Hamilton, author of the Hamiltonian system of teaching languages.

— At St. Vincent's, aged 90, the hon. Robert Gordon, president of the council of that island.

17. Aged 57, Camilla, relict of sir Charles Style, sixth bart. of Wateringbury, Kent.

19. At Gloucester, aged 61. lieutenant. sir Miles Nightingall, K. C. B. col. of the 49th regiment, and M. P. for the borough of Eye.

21. Aged 84, Mr. Wm. Turner, of Queen Anne-street, father of J. M. W. Turner, esq. R. A.

23. Aged 78, William Hunt, esq. of Petersham. This gentleman accumulated an immense fortune in the silk trade, which he followed for several years in Bishopsgate Street, near the London Tavern. He had been for nearly thirty years a governor of Guy's and St. Thomas's Hospitals: to the former of which he has bequeathed the residue of his property, which, after all legacies

are deducted, will, it is supposed, be upwards of 200,000*l*.

23. At Kensington, in the prime of life, Horatio Nelson Head, esq. of the royal navy, godson of lord Nelson.

26. While on a visit to his friend Temple Sinclair, esq. at Lyster, co. Caithness, aged 27, the hon. Eric George Sinclair, R. N. brother to the earl of Caithness.

27. At Foston, Leicester, aged 52, the rev. Edward Thomas Vaughan, rector of that place, and vicar of St. Martin's, Leicester; youngest brother of sir Henry Halford, bart., Mr. Baron Vaughan, and the late dean of Chester. He was the seventh son of the late John Vaughan, M.D. of Leicester; and was formerly fellow of Trinity College, Cambridge, where he proceeded B. A. in 1796, being the fifteenth senior optime of that year. He was presented to his Leicester church in 1802, by the lord chancellor, and to Foston in 1812. He was an adherent of the Evangelical school. He published "A sermon preached at the Archidiaconal Visitation of Leicester," 1805; re-published with another, in 1814; "A Sermon on the Salvation, which is in Christ only," 1810; "A plain and affectionate Address to his Parishioners," 1806; "The Lesson of our Times," a sermon preached on the Thanksgiving Day, 1814; "Memoirs of the Life and Writings of the late rev. Thomas Robinson, M. A. vicar of St. Mary's, Leicester," prefixed to his works, 1815; and "The Calvinistic Clergy defined, and the Doctrines of Calvin maintained, in a letter to the rev. James Beresford, A.M. rector of Kibworth, occasioned by his sermon preached at St. Martin's church at the bishop's Visitation," 1818.

28. At Rugby, in his 82d year, rear-admiral William Chambers.

— At the Rectory-house, Devonshire-square, Bishopsgate, aged 37, the hon. Mrs. Edward Grey.

30. At Southwold, aged 50, Henry Robert Gooch, esq. formerly a captain in the army, and first cousin of sir Thos. Sherlock Gooch, M. P.

Lately. At the Blanquetts near Worcester, aged 48, Thomas Best, esq. the antagonist of lord Camelford in the duel behind Holland House, March 7, 1804, which proved fatal to his lordship. Lord Camelford, it was stated in a pamphlet published in his defence, was principally urged to the meeting by

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an idea that his antagonist was the best shot in England. A coroner's jury returned a verdict of wilful murder against a person or persons unknown. The same year had not elapsed, when, on Christmas day, Mr. Best married lady Emily Stratford, daughter of the late and niece to the present earl of Aldborough. She afterwards eloped from him, when in the King's Bench, with a Mr. Henry, to whom she was subsequently united. Mr. Best, whose fortune consisted chiefly of West-India property, became, when very young, deeply involved, and was for some time an inhabitant of the King's Bench rules.

Mr. Lewis, comedian, of the Coburg Theatre, founder of the Minor Theatrical Fund, for the relief of decayed actors.

Aged 63, sir William Mansel, eighth baronet of Muddlescombe, county of Carmarthen.

At Beaumaris, aged 64, Frances Emma, sister to sir Robert Williams, bart.

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2. At Bombay, Jas. Joseph Sparrow, esq. third member of the council of that presidency.

4. At Barham Court, the right hon. Arabella lady Barham.

— At Boulogne, John Brougham, esq. of Edinburgh, brother of Henry Brougham, esq. of Brougham Hall, Westmoreland.

6. At the Mount, Staffordshire, aged 53, Josiah Spode, esq. the third eminent potter of that name.

— At Lambeth, aged 52, Mr. Jonathan Wilson, die-sinker and medallist. He resided thirty years in Sheffield, during which his designs for cutlery and silver plate contributed greatly to increase the demand for those manufactures. Mr. Wilson was the first introducer of the art of embossing horn. He was a self-taught artist; and in the early part of his life studied with Chantrey.

8. At Waterford, Dr. Kelly, R. C. bishop of Ossory. He was formerly a bishop in the United States; and was a man of great energy.

— At Capesthorpe-hall, aged 73, Charlotte, wife of Davies Davenport, esq. M.P.

— At Freshford, Somersetshire, in his 72nd year, sir Walter James James, bart. D.C.L. of Langley-hall, in Berk-

shire, brother-in-law to the marquis Camden.

9. At the duke of Buccleugh's, at Richmond, aged nearly 29, the rt. hon. lady Isabella-Mary, wife of capt. the hon. Peregrine-Francis Cust, M.P. She was the third daughter of Charles-William, fourth and late duke of Buccleugh and Queensbury.

— At Woodbridge, in his 74th year, the rev. William Hurn. He was a native of Hockham, in Norfolk, and at an early period of life was for some time an assistant in the free grammar school at Dedham, in Essex. On relinquishing that situation he entered the army, in which he served for some years, during the American war, as a lieutenant in the western battalion of the Suffolk militia. But being naturally of a serious and religious turn of mind, he quitted the military profession, and pursued his studies for the church, in which, after a short period of diligent application, he was ordained both deacon and priest by Dr. John Hinchcliffe, the then bishop of Peterborough. In 1790 he was presented to the vicarage of Debenham, in Suffolk. In 1822, after a conscientious discharge of his ministerial duties for the long period of thirty-two years, Mr. Hurn came to the resolution of resigning his ecclesiastical preferment, and seceding from the Established Church; and in consequence of that resolution, gave notice from the pulpit on the 6th of October, that on the Sunday following he would preach his farewell sermon. On the day appointed, the church of Debenham was crowded to excess with parishioners, and with strangers from Ipswich, Woodbridge, Framlingham, Eye, and the adjacent villages. Two discourses, or rather two parts of the same discourse, were delivered after the morning and evening services, with great feeling and effect from the Acts, ch. xx. v. 32, "I commend you to God, and to the word of his grace, which is able to build you up, and to give you an inheritance among all them which are sanctified." With respect to his reason for leaving them, he observed, that, at his installation, or reading-in, he had given his solemn consent and assent to every thing contained in the Book of Common Prayer; and, as that offence was committed publicly, he considered it his duty to make his recantation public also. The parishioners offered to raise several hundred pounds, in

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order to erect a place of worship in Debenham for Mr. Hurn, if he would consent to remain amongst them; but he declined the offer; and repaired to Woodbridge. There he hired a chapel, and having expended a considerable sum in fitting it up for the reception of his followers, continued in the faithful discharge of his ministerial labours till within a few weeks of his decease. Mr. Hurn is known to the literary world by the following publications; viz. "Heath-hill; a Descriptive Poem," London, 1777, 4to.; "The Blessings of Peace, &c." 1784, 4to.; "The Fundamental Principles of the Established Church proved to be the Doctrine of the Scriptures, an Introductory Discourse, preached March 7, at Debenham, in Suffolk, after reading the Thirty-nine Articles," Bury, 1790, 8vo.; "Preparative for Death, stated from the holy Scriptures, and the Reality of Divine Consolations, preached at Debenham, Feb. 26, 1792, on occasion of the sudden but remarkably triumphant departure of William Patrick; to which are added some Lyric Verses, entitled Laughter in Death," Ipswich, 8vo.; "The Divine Government a ground of rejoicing at all times; and the Tears of England, or a Word in season to the People; two Sermons preached in substance at Debenham, in Suffolk, the former on Tuesday, Dec. 19, 1797, being the day set apart for a General Thanksgiving for Naval Victories obtained in the present War; and the latter on Wednesday, March 7, 1798, being the day appointed for a General Fast," Ipswich, 1798, 8vo.; "A Scriptural Guide to the Knowledge of the Gospel, in the form of a Catechism," London, 1826, 12mo. 16th edit.; "Hymns and Scriptural Songs, with metrical Versions from the Psalms, all original compositions, and comprising a great variety of subjects; being an attempt to form a Hymn Book on an improved plan, and to supply materials for this part of divine worship, corresponding with the sacredness of its nature, and in strict conformity to the doctrine of the Scriptures," London, 1824, 12mo. 2nd edit.; "A Farewell Testimony, containing the substance of Two Discourses, preached in the parish church of Debenham, Oct. 13, 1822, after a public notice given on the preceding Lord's day to take leave of the people, and secede from the Established Church; and since formed into one con-

tinued Address, with large Additions," London, 1823, 8vo.

10. At Koepenick, the eldest son of the late marshal Blucher, who held the rank of major-general. He died after protracted suffering, in consequence of the dangerous wounds he had received in the campaign of 1813.

11. Aged 41, Mary-Anne, eldest daughter of the late lieut.-gen. the hon. Vere Poulett, eldest sister of the right hon. lady Nugent, and cousin to earl Poulett.

12. At Edinburgh, John Horner, esq. partner in the well known firm of Inglis, Horner, and Company, afterwards John Horner and Company. He was father of Mr. Horner, the barrister and member of parliament, who was unfortunately cut off at an early period of his brief but brilliant parliamentary career. Mr. Horner's only remaining son is Mr. Leonard Horner, the originator of the School of Arts in Edinburgh, and warden of the London University.

14. In Grosvenor-street, aged 70, the right hon. Anne, countess dowager of Radnor.

15. At the house of his brother-in-law, Thomas Wright, esq. in Kentish-town, George Dawe, esq. R.A., member of the imperial and royal academies of arts at St. Petersburg, Stockholm, Florence, &c. first painter to his imperial majesty the emperor of all the Russias, &c. Mr. Dawe was the author of "The Life of George Morland, with Remarks on his Works," 1807, 8vo.; but the book is said to have been revised by Charles Lamb. From 1809 to 1818, Mr. George Dawe was a constant exhibitor at Somerset-house, of many portraits and a few historical subjects. Among the portraits were Dr. Parr, lord Eardley, the hon. S. E. Eardley, prince and princess of Saxe Cobourg, the archbishop of Tuam, bishop of Salisbury, &c. &c. Among the historical subjects were, Andromache imploring Ulysses to spare the life of her son; Genevieve, from a poem by Coleridge; a Child rescued by its mother from an Eagle's nest; and a Demoniac, which now adorns the council-room of the Royal Academy. He was elected an associate in 1809, and a royal academician in 1814. In 1816 he painted a large whole-length picture of Miss O'Neill, in the character of Juliet, which was exhibited by lamp-light, in order that it might be viewed under the same circumstances as the

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original was seen on the stage. Mr. Dave for the last few years practised his art entirely upon the continent, particularly at St. Petersburg, where his talents were held in high estimation by the imperial family, and he realised a very large fortune. His remains were interred in St. Paul's Cathedral, attended by a long retinue of artists and literary men, the Russian ambassador and sir Thomas Lawrence acting as pall-bearers.

15. At Pennoyre, Brecknockshire, aged 68, the rev. Thomas Watkins, M.A. F.R.S. F.S.A. rector of Llandafilog, and vicar of Llandefalley. The deceased was of Christ Church, Oxford, where he attained the degree of M.A. in 1780. He was presented to Llandafilog (a living in the gift of the lord chancellor) in 1799, and to Llandefalley in 1800, by the trustees of his late father. In the years 1787, 1788, and 1789, he made an extensive tour on the continent, his observations during which, in the form of letters to his father, were published in 1792, in two volumes 8vo. under the title of "Travels through Swisserland, Italy, Sicily, the Greek Islands, to Constantinople, through part of Greece, Ragusa, and the Dalmatian Isles."

16. In Cumberland-street, aged 47, lieut.-col. George James Roberts, C. B.

— At Charlton, sir Ludford Harvey, formerly vice-president, and one of the court of examiners, of the Royal College of Surgeons. He received the honour of knighthood May 19, 1813.

17. At his brother's, Shabden-park, in his 68th year, sir James Little, knt. and also a knight of the Spanish order of Charles the Third.

19. At Chichester, in the house of Dr. Forbes, the physician, aged 28, the right hon. lord Frederick Lennox, brother to the duke of Richmond.

21. At Broome, near Dorking, Wm. Kenrick, esq. second justice of Anglesey, Carnarvon, and Merioneth. Mr. Kenrick was son of the rev. Matthew Kenrick, LL. D. rector of Bletchingly. He was returned one of the members in parliament for that borough at the general election in 1806 and 1807, and sat till 1812. He was appointed master of the king's household, June 27, 1810; and resigned that post on being appointed a Welch judge.

22. At Mount Juliet, co. Kilkenny, the right hon. Anne countess of Carrick, once known as "the beautiful Miss Wynne."

24. At Northwick-terrace, aged 34, Henrietta-Anna, wife of the hon. James Stewart, brother to the earl of Galloway.

— At Beverley, aged 78, lieut.-col. Harry Ditmas.

25. In Hereford-street, aged 82, lady Hatton Finch.

26. At his house in the Strand, after an illness of severe and protracted suffering, aged 64, Mr. John Mawe, the well-known dealer in minerals, author of "Travels in Brazil," and various valuable works; a member of the Geological Society, and of the Mineralogical Society of Jena; first administrator and mineralogist to his majesty the king of Portugal, &c. This enterprising man was a native of Derbyshire, and his first publication, in 1802, was on "The Mineralogy" of that county. It was accompanied by a description of the most interesting mines in the north of England, in Scotland, and in Wales; and an analysis of Mr. Williams's work, intituled, "The Mineral Kingdom." In 1804, having conceived the idea of making a personal inspection of the vast mining operations in the south of the American continent, he went out on a voyage of commercial experiment, to the Rio de la Plata, in which he endured unusual hardships. After narrowly escaping death from the yellow fever at Cadiz, and shipwreck on the coast of America, he at length landed at Monte Video (instead of his intended port of Buenos Ayres), only to encounter imprisonment and seizure of his cargo. Nor had he long obtained partial freedom, before he inadvertently incurred further prosecution, by rashly taking down from a wall a tattered government notice, in order to read it more at leisure. This brought on another confinement of six weeks, and a fine of 300 dollars. The arrival of general Beresford's expedition caused Mr. Mawe's banishment into the interior; he afterwards accompanied general Whitelocke's army to Buenos Ayres; and after more than two years arrived at Rio de Janeiro. He was there successful in obtaining an audience from the prince regent, who gave him a favourable reception, and allowed him an escort of soldiers, and other advantages. With this assistance, Mr. Mawe was enabled to collect a large stock of important information; and the result was published at London, in 1812, in his "Travels in the Interior of

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Brazil." In 1813 Mr. Mawe published, in 8vo., "A Treatise on Diamonds;" in 1819, "Familiar Lessons on Mineralogy and Geology." He was also the author of a "New Descriptive Catalogue of Minerals," of which the fourth edition, "entirely re-written and considerably enlarged," was printed in 1821. In 1825, "Woodarch's Introduction to the study of Conchology" was republished in a "third edition, with considerable additions and alterations, by J. Mawe."

30. At Litchet Maltravers, Dorsetshire, aged 76, Wm. Trenchard, esq.

31. At the Union Arms, Holborn, kept by Cribb, the ex-champion of the prize ring, aged 37, — Hauptman, a dwarf, who was shown about the country ten years ago. He was about three feet five inches in height, and used to wait upon the customers in the parlour.

Lately. In Sloane-street, aged 72, Thomas Hurlston, esq. formerly concerned in the Morning Herald newspaper, and author of "Just in Time," a comic opera, 1792, 8vo.; "To Arms," a musical interlude, 1794, 8vo.; "Crotchet Lodge," a farce, 1795, 8vo.; "Dorinda Grafton," a novel, 1807, 3 vols. 12mo.; "Mysteries in High Life," 1808, 3 vols. 12mo.

Major Richard Greene, of the 70th foot.

At Lisbon, aged 83, Donna Maria Francisca Benedicta, princess dowager of Brazil. She was born July 25, 1746, and was the youngest dau. of Don Jose, king of Portugal, by his queen, Maria-Anna-Victoria, Infanta of Spain. At the age of nine she witnessed the great earthquake at Lisbon. In 1777, she was married to her nephew Don Jose, prince of Brazil, eldest son of her eldest sister queen Maria (by her uncle Don Pedro), and heir apparent to the throne. This prince, before any children followed from their union, was torn from her by the small-pox, leaving his brother, the late king John VI., to succeed. She dedicated the remainder of her life to acts of beneficence.

Aged 48, lieut.-col. John Williams, lieut.-col. of the 2nd regiment of foot.

At Exmouth, Samuel James Ballard, esq. vice-adm. of the blue, of Park-street, Bath, and Coate's Hall, Yorkshire.

At Exeter, aged 63, Mr. J. Kendall, statuary; he published an essay on the Principles of English Architecture, and executed the altar-piece in the cathedral of Exeter.

In Manchester-square, Brownlow North, esq. registrar of the diocese of Winchester; only surviving brother of the earl of Guilford, and second son of the late bishop of Winchester.

At Sheldon, Mrs. Coulthard, sister to rear-adm. sir Robert Barlow, K.C.B. and to sir George Hilary Barlow, K.C.B. and aunt to viscountess Torrington.

In the workhouse, at Oxford, aged 74, Mr. William Huggins. He was formerly a Bible clerk of New College, and was much befriended by his contemporary and fellow-student, the late John Coker, esq. But his intemperance was so great that he was obliged to leave New College, when he entered the navy as a common seaman. While on ship-board he gained both money and respect, by instructing the young officers in the classics. He distinguished himself in an engagement with the enemy, and had part of his right foot shot away, which rendered him lame for the remainder of his life. On obtaining his discharge, he returned to Oxford, and entered a commoner of St. Edmund Hall; but his excesses were such that he was compelled to quit it. He then became usher to the late professor Robertson, who at the time was master of the Choristers' School at Christ Church. On the removal of Dr. Robertson he engaged himself as classical usher to the late rev. J. Hinton (a dissenting minister), with whom he continued many years, occasionally filling up his vacant hours by assisting young students in the University in preparing for examination. He afterwards became one of the almsmen of Christ Church; but as age and infirmity crept on him, his stipend being but small, he was compelled to seek an asylum in the workhouse.

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5. In Portman-square, aged 66, Margaret countess dowager of Clonmell.

6. At Weymouth, aged 71, Mr. John Harvey, mechanic to his late majesty George the Third, one of the first proprietors of the Weymouth water-works, late civil engineer of the Bootle water-works, Liverpool, and the original projector of the breakwater for Portland-roads.

7. At Tonbridge Wells, aged 72, Anne, relict of sir Henry Hawley, sixth bart. of Leybourne Grange.

9. At the age of 101 years and eight

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months, mademoiselle Peirier. She was a very distinguished actress of the French stage.

9. In Hart-street, Bloomsbury, aged 43, Eugenius Roche, esq. editor of the *Courier* newspaper. He was born in Dublin, but his family emigrated to France before he was two years old, and he remained there until he attained his eighteenth year. His father held a situation as professor of modern languages under the French government, and took care that his children became proficient in tongues, particularly English and Italian. When he made his way into England, in 1804, Mr. Roche was an accomplished scholar, having composed various poems in French, English, Italian, Latin, and Greek. He brought strong letters of recommendation to Messrs. Hoare, of Fleet-street, by whom he was received in the kindest manner, particularly by the late Mr. Hoare, in whose house he was a guest for nearly two years. Before Mr. Roche was twenty, he was the editor of the *Day* newspaper; in which capacity he suffered twelve months' imprisonment, for a passage alleged to be a libel on government. On his liberation from confinement, Mr. Roche became the editor of the *National Register*, a weekly paper; and subsequently of a magazine, called *Literary Recreations*; in which appeared some of the earliest productions of lord Byron, Allan Cunningham, and Gaspey. Lord Byron's verses, beginning with "There is a mystic thread in life," were enclosed to the editor in a note, stating that, *if they were deemed worthy of insertion*, they were at his service; and if inserted, his lordship requested some copies of the magazine might be sent to him. On the demise of his "*Literary Recreations*," Mr. Roche took an active part in the *Morning Post*; and, after a lapse of twenty years, returned to the editorship of the *Day*, the title of which had been changed to the *New Times*. Afterwards Mr. Roche became a shareholder in the *Courier*, and editor of that paper. The only productions by him that bear his name, are "*William Tell*, a tragedy," and "*Invasion*, a Play," both printed in 1808, in the "*Dramatic Appellant*."

10. At Brockwell Hall, in his 78th year, John Blades, esq. of Ludgate-hill, sheriff of London and Middlesex in 1812-13.

12. At Borgeate, Hampshire, aged

64, the hon. John Coventry, half-brother to the earl of Coventry.

13. At Devonshire-terrace, Maria, wife of the right hon. Maurice Fitzgerald, knight of Kerry, and sister of the late right hon. David Latouche, of Dublin.

14. At Vienna, aged 80, her imperial highness the archduchess Maria Beatrice of Este, reigning duchess of Massa and Carrara. She was the daughter and heiress of Hercules III. duke of Modena, wife of the archduke Ferdinand of Austria (uncle to the present emperor), and mother of Francis the Fourth, the present reigning duke of Modena, who married in 1812, Maria-Beatrice, daughter of Victor Emanuel, the late king of Sardinia, by whom he has a family.

15. Edith-Mary, wife of sir Fitzwilliam Barrington, bart. of Swainson in the Isle of Wight.

18. At his house in Grosvenor-place, aged 85, Thomas Garth, esq. general in his majesty's service, and colonel of the 1st or royal regiment of dragoons. This gentleman was son of John Garth, esq. recorder of Devizes, who died when M.P. for that borough in Dec. 1764; and great-nephew to the celebrated sir Samuel Garth, physician in ordinary to king George the First. He had two elder brothers, Charles Garth, esq. who was recorder of Devizes, and M.P. for that borough from 1765 to 1780, when he was made a commissioner of the excise, and who died at Walthamstow, March 9, 1784; and general George Garth, colonel of the 17th foot, who died in 1819. General Thomas Garth entered the army in 1762 as cornet in the 1st dragoons. He served the campaign of that year in Germany, in the allied army, under the command of prince Ferdinand. In 1765 he obtained a lieutenancy, and in 1775 a captaincy in his regiment. In 1779 he exchanged into the 20th light dragoons, and went to the West Indies in the intended expedition to the Spanish Main, which was anticipated by lieut.-gen. sir James Darling, the lieut.-gov. of Jamaica. In 1792 captain Garth returned to this country, and was reduced to half-pay with the other officers of his regiment; but in the same year he obtained the majority of the 2nd dragoon guards. In 1794 he was appointed lieut.-col. of the 1st dragoons; he served that year in Flanders, and was present at the greater part of the actions from the 17th of

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April to the close of the campaign. He was next appointed colonel of the Sussex Fencibles, and afterwards, on the death of viscount Fielding in 1799, to the late 22nd light dragoons. On the 7th Jan. 1801, he was appointed colonel of his original regiment, the 1st dragoons; he received the rank of major-general 1798, lieut.-general 1805, and general 1814. General Garth was said to have had by a lady of illustrious birth one son, who bears his father's name, is a captain in the army, and was the chief-mourner at the general's funeral, which took place on the 27th Nov. at St. Martin's-in-the-Fields. The will of gen. Garth was proved on the 10th of Dec. in the Prerogative Court of Canterbury. It bequeathed the fee-farm rents of his estates in Northamptonshire, devised to the testator by his sister Elizabeth Garth, to his nephew Thomas Garth, a captain in the royal navy, his heirs and assigns. A moiety of an annuity, or yearly pension, of 3,000*l.* granted by king Charles II. which the testator, by a deed of settlement, dated 17th Nov. 1820, had settled on himself, and "in certain events," on his son, Thomas Garth, was to be paid by the trustees to his son, and his lawful issue; and, if he should leave no issue, then to the aforesaid nephew of the testator, captain Thomas Garth, R.N. his heirs and assigns. He bequeathed the house, 32 Grosvenor-place, to his said son, Thomas Garth, and also the plate, household furniture, and personal effects in the said house, and in and about the estate at Piddletown. The residue of the testator's property, real and personal, was given to his nephew, captain Thomas Garth, R.N.

18. In London, in his 62nd year, lieut.-gen. Richard Bingham, of Melcombe Bingham in the county of Dorset.

— At Filey, near Scarborough, aged 53, James Kiero Watson, esq. of Hull, banker, chairman of the Hull Ship-owners Society.

20. At the vicarage-house, Kerry, co. Montgomery, the rev. John Jenkins, M.A. vicar of that parish, prebendary of York and of Brecon, rural dean of Meilynith ultra Ithou, in the archdeaconry of Brecknock, chaplain to his royal highness the duke of Clarence, and one of his majesty's justices of the peace for the county of Montgomery.

— At Lowestoft, Suffolk, aged 60, Mary Manners, wife of the rev. Richard

Lockwood, youngest daughter of the late lord George Manners Sutton.

— At Kedleston, aged 43, the hon. Augustus Curzon, second son of lord Scarsdale, and formerly a major in the army.

— Aged 30, Francis Barry Boyle St. Leger, esq. barrister-at-law. He commenced his education at Rugby, but entered early into active life. At seventeen he went to India in the civil service of the government. He afterwards adopted the profession of the bar, to which he was called in the year 1827. While he was pursuing the necessary course of studies for his profession, besides being the editor of the "Album," and a contributor of many articles in several periodicals of the day, he produced "Gilbert Earle," "The Blount Manuscripts," and "Tales of Passion."

21. In Spanish Town, St. Catherine's, Jamaica, Mrs. Judith Crawford, at the extraordinary age of 151 years. She retained her strength and faculties till within a very short time of her death.

22. At Windsor, when on his way to London from a visit to lord Dillon at Ditchley, of apoplexy, aged 62, sir Richard Bedingsfeld, the fifth baronet of Oxburgh in Norfolk; father-in-law to lord Petre, and brother-in-law to lord Stafford.

23. At the Deaf and Dumb Asylum, in the Kent-road, aged 64, Joseph Watson, LL. D. teacher of that establishment. Dr. Watson acquired his skill in the tuition of deaf and dumb at the private academy kept for that purpose at Hackney by Mr. Thomas Braidwood. "It was here," he says, "in the year 1784, that my resolution was finally taken, to embrace the instruction of the deaf and dumb as a profession." He assisted by his counsel and advice in forming the London Asylum, and superintended the instruction of all the pupils admitted from its commencement, in 1792. During this long period of thirty-seven years, he exerted an undeviating attention and judicious energy in the arduous task of successfully instructing the objects of his care, and leading them to an acquaintance with written language. One of the most striking instances of his successful exertions occurred a few days after his decease, in the circumstance of one of his private pupils being called to the bar by the honourable Society of the Middle Temple. Dr. Watson published

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an account of his system in two volumes 8vo. 1809, under the title of "Instruction of the Deaf and Dumb, or a View of the means by which they are taught to understand and speak a Language."

25. At Leamington, having given birth to a son on the preceding day, aged 25, Jane, wife of Gibbs Crawford Antrobus, esq. M.P. of Eaton Hall near Congleton. She was the second daughter of sir Coutts Trotter, bart. and was married June 25, 1827.

27. At Becching-stoke, near Devizes, aged 78, the rev. Charles Mayo, for upwards of fifty years rector of that parish, and of Hewish: author of "A Chronological History of the European States, from 1678 to 1792," fol. 1793; and "A compendious View of the Universal History, from 1753 to 1802," four vols. 4to. 1804.

— At Great Oakley in Northamptonshire, in his 72nd year, sir Richard Brooke de Capell Brooke, bart. of that place, colonel of the Northamptonshire militia, and F.R.S.

29. At Naples, aged 43, the hon. Gerrard Vanneck, brother to lord Huntingfield.

— In his 82d year, Robert Sinclair, esq. recorder of York.

— At his house in Upper Brook-street, having nearly completed his 80th year, the right hon. Henry Pomeroy, second viscount Harborton, and baron Harborton, F.S.A. of Carbery, co. Kildare.

30. In Lamb's Conduit-street, in his 82d year, Henry Hall, esq. senior Fellow of St. John's college, Oxford, and a bencher of the Inner Temple.

Lately. At Kirkcudbright, aged 85, Dr. Patrick Murray, formerly an eminent physician in Jamaica, and one of the assistant judges of the grand court of that Island many years.

At Hampstead, in his 80th year, the rev. Thomas Belsham, minister of the Unitarian chapel in Essex-street. This eminent preacher, and zealous defender of Unitarianism, was the elder brother of the late William Belsham, the Whig historian. In the early part of his life, he superintended the Dissenting academy at Daventry, where he was educated himself; but which office he resigned in 1789, his religious views having gradually changed from Calvinism to the doctrines he afterwards maintained. He afterwards succeeded Dr. Disney in his ministry at Essex-

street chapel, from which time he distinguished himself as well in the pulpit as by his pen. His publications are exceedingly numerous: one of the most important is his "Calm Enquiry into the Scripture Doctrine concerning the Person of Christ, &c. 1811."

The rev. John Roberts, vicar of Dy-meirchion, co. Flint, to which living he was presented in 1807, by Dr. Cleaver, then bishop of St. Asaph. Mr. Roberts was the author of the English essay at the Carmarthen Eisteddfod, Sept. 1823, on "The Reasons for rejecting the Welsh Orthography that is proposed and attempted to be introduced with a view of superseding the system that has been established since the publication of Dr. Davies's Grammar and Dictionary, and Bishop Parry's edition of the Welsh Bible, and that of 1630."

DECEMBER.

1. In Bruton-street, aged 70, the lady of the right hon. sir John Nicholl.

— In Wilmington-square, aged 75, the rev. John Harris, formerly of Aylesbury, where he officiated for nearly forty years as the pastor of a church of Protestant dissenters.

3. Aged 86, Charles Goring, esq. of Wiston Park, Sussex; half-uncle to sir Chas. Foster Goring, bart. of Highden.

— At Airdrie House, co. Fife, aged 83, the right hon. Methven-Kellie Erskine, tenth earl of Kellie, viscount of Fenton (the premier viscounty of Scotland,) and baron of Dirleton, co. Haddington, and ninth baronet of Cambo, co. Fife.

— At Clovelly Court, Devonshire, aged 64, sir James Hamlyn Williams, the second baronet of that place.

— At Chichester, aged 87, gen. Oliver Nicolls, colonel of the 66th regiment of foot.

5. At Madrid, at an advanced age, Don Juan Augustin Cean-Bermudez, author of several works on the fine arts.

6. At Hastings, aged 17, lady Anne Catherine Kerr, half sister to the marquis of Lothian.

8. At Kennington, lady Murray, widow of sir R. Murray, bart.

— Aged 55, the Rev. Walter Birch, B.D. rector of Stanway, Essex, and vicar of Stanton-Bernard, Wilts.

— In Prospect-place, Lambeth, aged 73, John Carey, LL.D. a gentleman well known in the literary world by

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several elementary works on classical literature, and by his extensive labours as an editor; with regard to the latter, may be noticed two editions, in quarto, of Ainsworth's Dictionary, and the elegant series of Latin authors, known by the name of the "Regent's Classics."

9. At Bowcomb cottage, Isle of Wight, aged 64, the hon. Catherine, relict of Edw. Rushworth, esq. formerly M.P. for Newport.

10. Found dead in his bed, at Cranbury Park, near Winchester, William Chamberlayne, esq. M.P. for Southampton; first cousin to the earl of Liverpool, and to the late lord Zouche.

— At Edinburgh, aged 38, the hon. Sophia Napier, sister to lord Napier.

— Cardinal de la Fare, archbishop of Sens.

11. At the house of his brother, in John-street, Bedford-row, aged 67, Benjamin Tucker, esq. of Trematon castle, Cornwall, of which duchy he was surveyor-general for the last twenty years.

11. Suddenly, the rev. Isaac Taylor, minister of the Dissenting congregation at Ongar, Essex. Mr. T. was originally educated as an engraver, and continued in that profession for several years, till in 1796 he was invited by a congregation at Colchester to become their minister. He continued at that place till 1810, and the following year accepted a similar office at Ongar. His publications consisted chiefly of works of instruction or amusement for young persons, such as "Self-cultivation," "Advice to the Teens, &c." and some of them have passed through several editions.

13. At Oulton Park, Cheshire, after only three days' illness, aged 62, the rev. sir Philip Grey Egerton, ninth baronet of Egerton and Oulton Park, rector of Tarporley, and of the upper mediety of Malpas, both in the same county.

— In a garret, in King-street, Soho, aged 64, Mr. Wm. Smith, an attorney, who was formerly in affluent circumstances, having, when he retired from business, amassed considerable property. A few years ago he purchased a mill, for the purpose of manufacturing starch on a new principle; but by the speculation he lost upwards of 40,000*l*. Having failed in other speculations, he returned to London with a shattered fortune, and, at the period of the joint-stock mania, he lost 600*l*. by one of the mining associations. He next became clerk to Mr.

Harmer, in whose office he remained some time, and then commenced business on his own account; but, being unfortunate, he was compelled to take up his residence in a garret, where he died of apoplexy.

14. At Clapham, Surrey, aged 92, the relict of George Medley, esq. of New Burlington-street, and Buxted Park, Sussex, M.P. for East Grinstead; dau. and heiress of sir Timothy Waldo, of Hever, Kent. Her large property is inherited by the daughters of the earl of Liverpool, in right of their late mother, Julia-Evelyn-Medley, only dau. and heir of sir George Shuckburgh Evelyn, bart. by Julia-Anabella, only dau. and heir of James Evelyn, esq. and Anabella, sister of George Medley, esq. the husband of the old lady now deceased, who was married Nov. 8, 1762.

— At Chester, in his 69th year, Mr. Joseph Haynes, drawing-master. He was a pupil of Mortimer, the celebrated artist, from whose pictures and sketches he etched many plates: among others the subject of "St. Paul Preaching to the Britons."

15. At Brompton, major-gen. Edw. Codd.

— At Windsor, aged 90, John Kinsey, esq. formerly lieut.-col. of the 1st or royal dragoons.

— At Milan, his native city, in his 74th year, the celebrated singer Marchesi.

17. At Hammerwood-lodge, aged 71, the hon. Mrs. Dorrien Magens, sister to lord Dynevor.

— At Auerbach, aged 68, her serene highness Louisa Caroline Henrietta, grand duchess of Hesse Darmstadt. She was the daughter of prince George William, of the same house, by the countess Maria Louisa Albertina, of Leiningen-Heidesheim; was married to her cousin, Louis, the present reigning duke, Feb. 19, 1777, and had several children.

19. In the workhouse at Great Driffield, aged 87, Alex. Macintosh, several years proprietor of the Red Lion Inn there, author of the "Driffield Angler."

20. At Conington, Cambridgeshire, aged 68, the rev. Thos. Brown, rector of that parish upwards of forty years. He was the third and youngest son of Lancelot Brown, the celebrated landscape gardener, generally known by the name of Capability Brown.

20. At his residence in Berkeley-

DEATHS.—Dec.

square, aged 65, general. the right hon. lord Charles Fitzroy, M.A., of Wicken in Northamptonshire, colonel of the 48th foot; brother to the duke of Grafton.

20. In his 86th year, the distinguished naturalist, count Lamarck. He had been blind for the last ten years.

21. At Halle, in his 41st year, Joh. August Jacobs, professor of philology in that University.

23. At Bishopwearmouth, aged 46, George-Pearson Dawson, M.D. author of a Nosological Practice of Physic, of a treatise on the Waleheren Fever, 1810, and of many medical and literary essays.

24. At his seat, Stowell Lodge, Wiltshire, aged 79, sir George Montagu, G.C.B. admiral of the red.

— Aged 77, the rev. Thos. Reynolds, rector of Little Bouden, Northamptonshire. Mr. R., who was the fourth in descent from Dr. Edward Reynolds, bishop of Norwich, 1660-76, was author of an antiquarian work of considerable value, entitled, "Iter Britanniarum, or that part of the Itinerary of Antoninus, which relates to Britain; with a new Comment," 4to. 1799.

25. Aged 69, Arthur Tegart, esq. of Pall-mall, apothecary extraordinary to his Majesty, and companion of the late Mr. Wadd, at the time of his fatal accident. [See pages 244, 245.]

26. At his seat, Shrubland Park, near Ipswich, aged 80, sir William Fowle Middleton, bart. a deputy lieutenant and magistrate for Suffolk.

28. At his seat, Champion Lodge, Camberwell, aged nearly 65, sir William Champion de Crespigny, baronet, a magistrate for Surrey and Hampshire, LL.B. and F.S.A. Sir William was born January 1765, and was the only son of sir Claude Champion de Crespigny, LL.D. the first baronet (so created in 1805), by Mary, sole daughter and heiress of Joseph Clark, esq. He was (till his death) a member of Trinity Hall, Cambridge, where his father had been a Fellow, and took the degree of LL.B. in 1786. He succeeded to the baronetcy on the death of his father,

who died at the age of 83, Jan. 28, 1818. He was returned M.P. for Southampton at the general elections of 1818 and 1820; but at that of 1826 Mr. Dottin was chosen. Sir William was provincial grand master of the Freemasons of Hampshire; he also held the commission of lieutenant-colonel in the Surrey Volunteers.

28. In Curzon-st., the right hon. Barbara marchioness dowager of Donegal.

30. At the glebe-house of Hadleigh, Suffolk, in his 72d year, the rev. Edward Auriol Hay-Drummond, D.D. rector of that parish, and of Dalham in the same county, dean of Bocking, prebendary of York and Southwell, and chaplain to the king. He was the fourth son of the hon. and most rev. Robert Hay-Drummond, lord Archbishop of York.

Lately. At Nice, aged 21, lady Emily Charlotte Caulfield, only surviving child of the earl of Charlemont.

At Edinburgh, lady Jane, widow of the hon. sir John Stuart, bart. of Fettercairn, baron of the Exchequer.

At Edinburgh, lt.-col. commandant W. H. D. Knox, Bengal cavalry.

Aged 19, his highness the duke of Oldenburg, the eldest son of the grand duchess Catherine of Russia, sister to the late and present emperor, and at the time of her decease queen of Wirtemberg.

In Gower-street, Honore Marguarite Francoise, wife of Dr. Spurzheim.

In Park-row, aged 54, lady Elizabeth-Jane, wife of the rev. Richard Brickenden, and sister to the earl of Cavan. She was married first, Nov. 9, 1793, to capt. Wm. Henry Jervis, R.N. elder brother to the present viscount St. Vincent. In 1799 her ladyship's marriage with Mr. Jervis was dissolved, and she was married 2ndly, in March 1800, to the rev. Rich. Brickenden, by whom she had children.

In Finsbury, aged 63, W. M. Willett, esq. the editor of the Statesman in 1809, and subsequently of the British Traveller, and other periodical works.

FINANCE ACCOUNTS

PUBLIC INCOME OF THE UNITED

An Account of the ORDINARY REVENUES and EXTRAORDINARY
Kingdom of GREAT BRITAIN and IRELAND,

HEADS OF REVENUE.	GROSS RECEIPT.			Repayments, Allowances, Discounts, Drawbacks, and Bounties of the Nature of Drawbacks, &c.		
ORDINARY REVENUES.	£.	s.	d.	£.	s.	d.
Customs	20,608,710	11	7½	1,191,526	3	9½
Excise	24,802,507	13	9½	2,491,912	10	1½
Stamps	7,605,107	2	10½	287,497	14	11
Taxes, under the Management of the Commissioners of Taxes..	5,169,874	19	5	7,001	9	8½
Post Office	2,287,961	9	3½	79,962	17	10½
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions	56,365	9	5	..	..	..
Hackney Coaches, and Hawkers and Pedlars	77,437	7	8	..	..	..
Crown Lands	448,792	17	7	..	..	..
Small Branches of the King's Hereditary Revenue	7,542	13	3	..	..	..
Surplus Fees of Regulated Public Offices	67,081	0	1½	..	..	..
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees	9,353	1	1	..	..	..
TOTALS of Ordinary Revenues.....	61,140,734	6	1½	4,057,900	15	10½
OTHER RESOURCES.						
Money received from the East India Company, on account of Retired Pay, Pensions, &c. of his Majesty's Forces serving in the East Indies, per Act 4 Geo. 4, c. 71.....	60,000	0	0	..	..	..
Money received from the Trustees of Naval and Military Pensions	3,082,500	0	0	..	..	..
Imprest Monies, repaid by sundry Public Accountants, and other Monies paid to the Public	260,530	18	10½	..	..	..
From the Bank of England, on account of Unclaimed Dividends	25,034	14	1	..	..	..
Repayment on account of Money advanced out of the Consolidated Fund, in the year 1825, for Silver Coinage	94,000	0	0	..	..	..
TOTALS of the Public Income of the United Kingdom..	64,662,799	19	0½	4,057,900	15	10½

Whitehall, Treasury Chambers, }
23rd March, 1829. }

FOR THE YEAR 1829.

KINGDOM, FOR THE YEAR 1829.

RESOURCES, constituting the PUBLIC INCOME of the United for the Year ended 5th January, 1829.

NETT RECEIPT within the Year, after deducting REPAYMENTS &c.	TOTAL INCOME, including BALANCES outstanding 5th Jan. 1828.	Charges of Collection, and other Payments out of the Income, in its Progress to the Exchequer.	PAYMENTS into the EXCHEQUER.	BALANCES and BILLS Outstanding on the 5th January 1829.	Rate per Cent for which the Gross Receipt was col- lected.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
19,417,184 8 4½	19,816,937 14 5½	2,095,054 7 4½	17,235,408 10 0	485,574 17 0½	7 1 1
22,310,595 3 8	23,353,431 13 7½	1,483,235 19 3	20,759,685 5 6½	1,110,510 8 9½	4 17 6
7,517,609 7 11½	7,613,720 2 0	225,515 1 3	7,107,950 0 2	280,255 0 7	2 19 3
5,162,873 9 8½	5,265,624 16 8	292,343 2 5	4,849,303 8 1½	116,978 6 1½	5 8 7
2,207,998 11 5	2,386,732 9 0½	702,418 7 0½	1,508,000 0 0	176,314 2 0	29 0 2
56,365 9 5	59,468 14 8	1,302 14 6	55,006 1 7	3,159 18 7	2 6 2
77,437 7 8	77,614 18 1	10,789 19 6	66,611 16 0	213 2 6	13 18 7
448,792 17 7	525,750 0 7½	464,935 6 2½	.. ..	60,814 14 5½	9 12 0
7,542 13 3	12,328 4 3½	3,097 9 5	6,678 1 3	2,552 13 7½	14 10 2
67,081 0 1½	67,081 0 1½	.. ..	67,081 0 1½	.. ..	..
9,353 1 1	9,353 1 1	.. ..	9,353 1 1	.. ..	..
57,082,833 10 3	59,188,042 14 7½	5,286,592 6 11½	51,665,077 4 0	2,236,373 3 8½	6 7 3
60,000 0 0	60,000 0 0	.. ..	60,000 0 0	.. ..	..
3,082,500 0 0	3,082,500 0 0	.. ..	3,082,500 0 0	.. ..	..
260,530 18 10½	260,530 18 10½	.. ..	260,530 18 10½	.. ..	..
25,034 14 1	25,034 14 1	.. ..	25,034 14 1	.. ..	..
94,000 0 0	94,000 0 0	.. ..	94,000 0 0	.. ..	..
60,604,899 3 2½	62,710,108 7 7½	5,286,592 6 11½	55,187,142 16 11½	2,236,373 3 8½	..

PUBLIC EXPENDITURE.

An Account of the PUBLIC EXPENDITURE of the United Kingdom in the Year ended 5th January 1829, after deducting the Repayments, Allowances, Accounts, Drawbacks, and Bounties of the nature of Drawbacks; exclusive of the Sums applied to the Reduction of the National Debt within the same Period.

EXPENDITURE.	—	—
<i>Payments out of the Income in its Progress to the Exchequer.</i>	£. s. d.	£. s. d.
Charges of Collection	3,890,151 18 6½	
Other Payments	1,396,440 8 4½	
Total Payments out of the Income, prior to the Payments into the Exchequer.....	.. ..	5,286,592 6 11½
<i>Payments out of the Exchequer.</i>		
Dividends, Interest, and Management of the Public Funded Debt, exclusive of 4,667,965 <i>l.</i> 5 <i>s.</i> 0 <i>d.</i> issued to the Commissioners for the Reduction of the National Debt	27,146,076 8 1½	
Interest on Exchequer Bills	949,429 13 7	28,095,506 1 8½
Issued to the Trustees of Naval and Military Pensions, per Act 3 Geo. 4, c. 51	1,107,130 0 0	
Ditto - - Bank of England, per Act 4 Geo. 4, c. 22	585,740 0 0	1,692,870 0 0
Civil List, four Quarters to 5th January 1829	1,057,000 0 0	
Pensions charged by Act of Parliament on Consolidated Fund, four Quarters to 10th October 1828	370,867 12 8	
Salaries and Allowances	78,204 0 0	
Courts of Justice	150,366 3 3½	
Mint	16,813 2 7	
Bounties	2,956 13 8	
Miscellaneous	227,387 10 9	
Ditto - Ireland	300,959 0 11½	2,204,553 3 10½
For the purchase of the Duke of Athol's Interest in the Public Revenues of the Isle of Man .....	.. ..	132,944 0 0
Army	8,084,042 11 0½	
Navy	5,567,969 12 1	
Ordnance	1,446,972 0 0	
Miscellaneous	2,012,115 17 11	17,211,100 1 0½
TOTAL		54,623,565 13 7
Surplus of Income paid into the Exchequer, over Expenditure issued thereout		5,850,169 10 3½
		60,473,735 3 10½

Note.—This Balance Sheet has been prepared agreeably to the views expressed on the subject in the Fourth Report from the Select Committee on Public Income and Expenditure, in the last Session of Parliament, by excluding from it the Advances and Repayments on account of the employment of the Poor, and for Local Works, and by including the same in the account of the Funded and Unfunded Debt, to which they more immediately relate.

DISPOSITION OF GRANTS.

An Account showing how the MONIES given for the SERVICE of the United Kingdom of GREAT BRITAIN and IRELAND, for the Year 1828, have been disposed of; distinguished under their several Heads; to 5th January, 1829.

SERVICES.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
NAVY	5,995,965	7	7	4,932,911	9	6
ORDNANCE	1,596,150	0	0	1,217,000	0	0
FORCES	8,009,314	9	0½	6,976,515	5	0
To defray the Charge of Civil Contingencies; for the year 1828	240,000	0	0	155,916	16	2
To defray the Salaries and Allowances to the Officers of the Houses of Lords and Com- mons; for the year 1828	29,000	0	0	29,000	0	0
To defray the Expenses of the Houses of Lords and Commons; for the year 1828...	16,000	0	0	16,000	0	0
To make good the Deficiency of the Fee Funds in the Departments of his Majesty's Treas- ury, Secretaries of State, most Honourable Privy Council, and Committee of Privy Council for Trade; for the year 1828	98,413	0	0	64,462	16	9
To defray the Contingent Expenses and Mes- sengers Bills in the Departments of his Majesty's Treasury, Secretaries of State, most Honourable Privy Council, and Com- mittee of Privy Council for Trade; for the year 1828	77,228	6	0	67,120	11	2
To defray the Salaries to certain Officers, and the Expenses of the Court, and Receipt of the Exchequer; for the year 1828 ..	7,000	0	0	7,000	0	0
To pay the Salaries or Allowances granted to certain Professors in the Universities of Ox- ford and Cambridge, for reading Courses of Lectures; for the year 1828	958	5	0	958	5	0
To pay the Salaries of the Commissioners of the Insolvent Debtors Court, of their Clerks, and the Contingent Expenses of their Office; for the year 1828; and also the Expenses attendant upon the Circuits...	13,669	0	0	7,451	17	0
To pay, in the year 1828, the Salaries of the Officers, and the Contingent Expenses of the Office for the Superintendence of Aliens, and also the Superannuations or Retired Allowances to Officers formerly employed in that Service	4,700	0	0	4,700	0	0
To pay the usual Allowances to Protestant Dissenting Ministers in England, poor French Protestant Refugee Clergy, poor French Protestant Refugee Laity, and sun- dry small Charitable and other Allowances						

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SERVICES.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
to the Poor of St. Martin's-in-the-Fields, and others; for the year 1828	5,912	7	10	3,106	3	11
To defray the Expense of printing Acts of Parliament, and Bills, Reports and other Papers for the two Houses of Parliament; for the year 1828	80,000	0	0	26,164	17	11½
To defray the Expense of printing under the direction of the Commissioners of Public Records; for the year 1828	5,750	0	0	4,166	19	3
To defray the Expense of providing Sta- tionery, Printing, and Binding for the se- veral Public Departments of Government, for the year 1828; including the Expense of the Establishment of the Stationery Office	95,650	0	0	95,650	0	0
To defray the Extraordinary Expense that may be incurred for Prosecutions, &c. re- lating to the Coin of this Kingdom; for the year 1828	6,000	0	0	6,000	0	0
To defray the Expense of Fittings and Fur- niture for the two Houses of Parliament; for the year 1828	6,300	0	0	2,830	10	0
To defray the Expense of Law Charges; for the year 1828	15,000	0	0	15,000	0	0
To pay Bills drawn from abroad by his Ma- jesty's Governors and others, for the Ex- penses incurred under the Act for the Abo- lition of the Slave Trade; and in conformity to certain Orders in Council for the Support of Captured Negroes, Free American Set- tlers, &c.; for the year 1828	30,000	0	0	7,000	0	0
To defray the Amount of Bills drawn or to be drawn from New South Wales; for the year 1828	120,000	0	0	5,000	0	0
For defraying the Charge of the Royal Mili- tary College; for the year 1828	12,995	15	8	12,500	0	0
For defraying the Charge of the Royal Mili- tary Asylum; for the year 1828	27,629	3	7	16,051	5	0
The following SERVICES are directed to be paid without any Fee or other Deduction whatsoever:						
For defraying the CHARGE of the CIVIL ESTABLISHMENTS undermentioned; viz.						
Of the Bahama Islands; for the year 1828...	3,040	0	0	2,500	0	0
Of Nova Scotia; for the year 1828	10,445	0	0	10,445	0	0
Of New Brunswick; for the year 1828	3,600	0	0	2,700	0	0
Of the Island of Bermuda; for the year 1828	4,000	0	0	3,000	0	0
Of Prince Edward's Island; for the year 1828	2,820	0	0	2,820	0	0
Of the Island of Newfoundland; for the year 1828; and of the Expense of erecting a House for the Governor	23,818	7	5	5,630	10	0
Of Sierra Leone; for the year 1828	11,624	1	8	—		
Of the Civil and Military Establishments of the Settlements on the Gold Coast; for the year 1828	4,000	0	0	—		

SERVICES.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
To defray the Expense of the British Museum; for the year 1828	16,649	0	0	16,649	0	0
To make Compensation to the Commissioners appointed by several Acts for inquiring into the Collection and Management of the Revenue in Ireland, and into certain Revenue Departments in Great Britain, for their assiduity, care, and pains in the execution of the Trust reposed in them by Parliament	6,500	0	0	6,500	0	0
To defray the Charge of Retired Allowances or Superannuations to Persons formerly employed in Public Offices or Departments, or in the Public Service; for the year 1828	15,497	13	8	1,625	6	2
To enable his Majesty to grant Relief, in the year 1828, to Toulonese and Corsican Emigrants, Dutch Naval Officers, St. Domingo Sufferers, and others who have heretofore received Allowances from his Majesty, and who from Services performed or Losses sustained in the British Service have special claims upon his Majesty's Justice and Liberality	11,340	0	0	7,000	0	0
To defray the Expense of the National Vaccine Establishment; for the year 1828	2,500	0	0	2,500	0	0
For the Support of the Institution called "The Refuge for the Destitute;" for the year 1828	3,000	0	0	3,000	0	0
For the Relief of the American Loyalists; for the year 1828	4,500	0	0	3,000	0	0
To defray the Expense of confining and maintaining Criminal Lunatics; for the year 1828	3,606	10	0	2,285	16	0
For his Majesty's Foreign and other Secret Services; for the year 1828... ..	49,000	0	0	42,000	0	0
To defray the Expense attending the confining, maintaining, and employing Convicts at Home and at Bermuda; for the year 1828	106,958	0	0	78,000	0	0
To pay, in the year 1828, the Salaries and Incidental Expenses of the Commissioners appointed on the part of his Majesty under the Treaties with Spain, Portugal and the Netherlands, for preventing the illegal Traffic in Slaves	18,000	0	0	—		
To defray the Expense of Missions and Special Commissions to the New States of America; for the year 1828.....	40,000	0	0	10,475	8	9
To pay the Salaries of Consuls-General, and Consuls, their Contingent Expenses, and Superannuation Allowances to retired Consuls; for the year 1828	97,870	0	0	53,590	0	0
To defray the Expense of certain Colonial Services (formerly paid out of the Extraordinaries of the Army;) for the year 1828...	2,412	10	0	1,000	0	0
To defray the Charge, in the year 1828, of providing Stores for the Engineer Depart-						

SERVICES.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
ment in New South Wales and Van Diemen's Land, Bedding and Clothing for the Convicts, Clothing and Tools for the liberated Africans at Sierra Leone, and Indian Presents for Canada	47,500	0	0	47,500	0	0
To defray the Expense of erecting a Pier at Hobb's Point, for the accommodation of the Packets communicating between Milford Haven and Waterford	7,000	0	0	—		
To defray the Expense of Works and Repairs of Public Buildings; for the year 1828 ...	20,000	0	0	6,454	15	2
To defray the Expense of Works executing at Port Patrick Harbour; for the year 1828 .	7,000	0	0	7,000	0	0
To defray the Expense of Works executing at Donaghadee Harbour; for the year 1828...	8,000	0	0	8,000	0	0
To defray the Expense of Works executing at the Royal Harbour of King George the Fourth, at Kingstown (formerly Dunleary;) for the year 1828	20,000	0	0	—		
To defray the Expense of Buildings at the British Museum; for the year 1828.....	43,600	0	0	32,734	17	2
To defray the Expense of Buildings at the Offices of the Lords of his Majesty's Privy Council, and of the Committee of Privy Council for Trade; for the year 1828	4,000	0	0	1,423	18	4
To defray the Expense of the Alterations and Improvements of Windsor Castle; for the year 1828	180,000	0	0	130,000	0	0
To defray the Expense of Works for the accommodation of the two Houses of Parliament; for the year 1828	7,000	0	0	1,584	10	2
In aid of the Expense of erecting Churches, in the West Indies; for the year 1828.....	2,500	0	0	2,500	0	0
To defray the Expense of the Commissioners for the Harbours and Roads of Howth and Holyhead; for the year 1828	19,413	10	0	10,000	0	0
To complete the Works at Dunmore Harbour, in the year 1828	4,752	0	0	4,752	0	0
To defray the Expense of the Establishment of the Penitentiary House at Milbank, from 24th of June 1828 to the 31st of Dec. 1828	15,000	0	0	10,000	0	0
To defray the Expenses of the Society for the Propagation of the Gospel in certain of his Majesty's Colonies; for the year 1828.....	16,182	0	0	16,019	10	0
To defray the Expense, in the year 1828, of improving the Water Communication between Montreal and the Ottawa, and from the Ottawa to Kingston	135,000	0	0	—		
For defraying the CHARGE of the following Services in IRELAND; which are directed to be paid Nett in British Currency :						
To defray the Expense of the House of Industry; for the year 1828	21,391	0	0	15,000	0	0

SERVICES.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
To defray the Expense of the Richmond Lunatic Asylum; for the year 1828....	6,658	0	0	6,658	0	0
To defray the Expense of the Female Orphan House; for the year 1828	1,676	0	0	1,676	0	0
To defray the Expense of the Westmorland Lock Hospital; for the year 1828	3,490	0	0	3,490	0	0
To defray the Expense of the Lying-in Hospital; for the year 1828	2,770	0	0	2,770	0	0
To defray the Expense of Doctor Stevens's Hospital; for the year 1828.....	1,700	0	0	1,700	0	0
To defray the Expense of the Fever Hospital, Cork Street, Dublin; for the year 1828 ...	3,860	0	0	3,860	0	0
To defray the Expense of the Hospital for Incurables; for the year 1828.....	465	0	0	465	0	0
To defray the Expense of the Royal Dublin Society; for the year 1828.....	7,000	0	0	7,000	0	0
To defray the Expense of the Royal Irish Academy; for the year 1828	300	0	0	300	0	0
To defray the Expense of the Hibernian Society for Soldiers' Children; for the year 1828	7,500	0	0	7,500	0	0
To defray the Expense of the Hibernian Marine Society; for the year 1828	1,800	0	0	1,800	0	0
To defray the Expense of the Royal Cork Institution; for the year 1828.....	1,500	0	0	1,500	0	0
To defray the Expense of the Protestant Charter Schools of Ireland; for the year 1828 .	14,384	0	0	14,384	0	0
To defray the Expense of the Association for Discountenancing Vice; for the year 1828	9,000	0	0	8,000	0	0
To defray the Expense of the Roman Catholic Seminary at Maynooth; for the year 1828	8,928	0	0	6,696	0	0
To defray the Expense of the Society for Promoting the Education of the Poor; for the year 1828	25,000	0	0	25,000	0	0
To defray the Expense of the Foundling Hospital; for the year 1828	32,506	0	0	32,506	0	0
To defray the Expense of the Belfast Academical Institution; for the year 1828	1,500	0	0	—		
To defray the Expense of the Board of Charitable Bequests; for the year 1828	700	0	0	700	0	0
To defray the Expense of the Board of Works; for the year 1828	16,000	0	0	8,174	1	3
To defray the Expense of Printing, Stationery, and other Disbursements of the Chief and Under Secretaries Offices and Apartments, and other Public Offices in Dublin Castle; in the year 1828	15,000	0	0	12,432	16	8
To defray the Expense of Publishing Proclamations and other Matters of a Public nature; for the year 1828	5,800	0	0	3,638	7	4
To defray the Expense of Printing Statutes in Ireland; for the year 1828	3,500	0	0	3,287	0	7
To defray the Expense of Criminal Prosecutions; for the year 1828	37,000	0	0	36,465	15	1
To defray the Expense of Nonconforming,						

SERVICES.	SUMS Voted or Granted.	SUMS Paid.
Seceding and Protestant Dissenting Ministers in Ireland; for the year 1828	£. s. d. 14,360 6 0	£. s. d. 9,865 2 11
To pay the Salaries to Lottery Officers in Ireland; in the year 1828.....	740 6 2	740 6 2
To defray the Expense of Inland Navigations; for the year 1828.....	5,852 0 0	5,852 0 0
To defray the Expense of the Police and Watch Establishments of the City of Dublin; for the year 1828.....	24,300 0 0	24,300 0 0
To defray the Expense of the Commissioners of Judicial Inquiry; for the year 1828 ...	7,324 0 0	5,129 2 6
To defray the Expense of the Board of Public Records in Ireland; for the year 1828.....	3,200 0 0	2,450 0 0
To defray the Expense of certain Public Works in Ireland; for the year 1828.....	14,000 0 0	14,000 0 0
To defray the Expense of the Townland Survey of Ireland; for the year 1828	3,000 0 0	—
	17,776,998 19 7½	14,475,337 1 1½

PAYMENTS FOR OTHER SERVICES,
Not being part of the Supplies granted for the Service of the Year.

	Sums Paid to 5th January, 1829.	Estimated further Miscellaneous Payments.
	£. s. d.	£. s. d.
Grosvenor Charles Bedford, Esq. on his Salary, for additional trouble in preparing Exchequer Bills, pursuant to Act 48 Geo. 3, c. 1..	150 0 0	50 0 0
Expenses in the Office of the Commissioners for issuing Exchequer Bills, pursuant to Acts 57 Geo. 3, c. 34 & 124, and 3 Geo. 4, c. 86.	4,000 0 0	
Expenses in the Office of the Commissioners for issuing Exchequer Bills for building Churches, per Act 58 Geo. 3, c. 45.....	6,000 0 0	
Expenses incurred in the passing of the Act 5 Geo. 4, c. 90, for building additional Churches in Scotland	1,252 14 4	
By Interest on Exchequer Bills; viz.		
£.13,200,000 per Act 7 Geo. 4, c. 50, 1827	41,221 13 2	
10,000,000 per Act 7 Geo. 4, c. 2 1827	344,276 15 1	
13,200,000 per Act 7 & 8 Geo. 4, c. 4 1828	400,000 0 0	
Poor and Church Bills ditto - - 1828	60,000 0 0	
	856,901 2 7	50 0 0
		856,901 2 7
TOTAL Payments for Services not voted		856,951 2 7
Amount of Sums voted		42,811,198 19 7½
TOTAL Sums voted, and Payments for Services not voted ...		43,668,150 2 2½

SERVICES.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
To pay off and discharge Exchequer Bills, and that the same be issued and applied towards paying off and discharging any Exchequer Bills charged on the Aids or Supplies of the years 1827 and 1828, now remaining unpaid or unprovided for	23,800,000	0	0			
To pay off and discharge Exchequer Bills, issued pursuant to an Act of 7th and 8th year of the reign of his present Majesty, charged on the Aids of the year 1828, now remaining unpaid and unprovided for	500,000	0	0	24,688,100	0	0
To pay off and discharge Exchequer Bills, issued pursuant to several Acts for carrying on Public Works and Fisheries, and for building additional Churches, outstanding and unprovided for	734,200	0	0			
	42,811,198	19	7½	39,163,437	1	1½

WAYS AND MEANS

for answering the foregoing Services:

Trustees for the Payment of Naval and Military Pensions, and Civil Superannuations, per Act 9 Geo. 4, c. 10	£.	s.	d.
East India Company, per Act 9 Geo. 4, c. 10.....	2,134,630	0	0
Sum to be brought from the Consolidated Fund, per Act 9 Geo. 4, c. 19	60,000	0	0
- - - Ditto - - - - - c. 95	4,000,000	0	0
Interest on Land Tax redeemed by Money	6,190,000	0	0
Duty on Sugar, per Act 9 Geo. 4, c. 36	138	12	3½
Unclaimed Dividends, &c. after deducting Repayments to the Bank of England, for deficiencies of Balance in their hands	3,000,000	0	0
Surplus Ways and Means, per Act 9 Geo. 4, c. 95	25,034	14	1
Repayments on account of Exchequer Bills issued pursuant to two Acts of the 57th year of his late Majesty, for carrying on Public Works and Fisheries in the United Kingdom	352,050	8	7½
	188,384	3	4
	15,950,237	18	4½
Exchequer Bills voted in Ways and Means; viz.			
9 Geo. 4, c. 2	£.12,000,000	0	0
— c. 89	16,046,800	0	0
	28,046,800	0	0
TOTAL Ways and Means	43,997,037	18	4½
TOTAL SUMS voted, and Payments for Services not voted ...	43,668,150	2	2½
SURPLUS Ways and Means	328,887	16	1½

PUBLIC

AN Account of the State of the PUBLIC FUNDED DEBT of GREAT
January,

DEBT.									
	1.			2. CAPITALS			3.		
	CAPITALS.			redeemed and transferred to the Commissioners.			CAPITALS UNREDEEMED.		
GREAT BRITAIN.									
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Debt due to the South Sea } at £. 3 per cent	3,662,784	8	6	-	-	-	3,662,784	8	6
Company									
Old South Sea Annuities	4,674,870	2	7	789,000	0	0	3,785,870	2	7
New South Sea Annuities	3,128,330	2	10	454,500	0	0	2,673,830	2	10
South Sea Annuities, 1751	707,600	0	0	78,300	0	0	629,300	0	0
Debt due to the Bank of England	14,686,800	0	0	-	-	-	14,686,800	0	0
Bank Annuities, created in 1726..	1,000,000	0	0	444	1	0	999,555	19	6
Consolidated Annuities.....	369,117,241	12	2	15,396,611	12	7	353,720,629	19	7
Reduced Annuities.....	193,258,824	11	11	7,128,018	8	1	126,130,806	3	10
Total at £. 3 per cent..	530,136,450	18	0	23,347,074	1	8	506,789,376	16	4
Annuities at £. 3½ per cent..	15,029,249	13	9	954,638	0	0	14,074,611	13	9
Reduced Annuities do.	73,258,401	6	11	6,129,993	11	9	67,128,407	15	2
New £. 4 per cent Annuities	148,212,012	5	4	173,951	7	2	148,038,060	15	2
Annuities created 1826, at 4 per cent	8,560,000	0	0	721	0	0	8,559,279	0	0
Great Britain.....	772,196,114	4	0	31,106,278	0	7	741,089,836	3	3
IN IRELAND.									
Irish Consolidated £. 3 per cent Annuities	2,206,080	0	4	11	17	10	2,206,080	2	6
Irish Reduced £. 3 per cent Annuities	865,988	11	7	2	10	0	393,906	1	7
£. 3½ per cent Debentures and Stock	14,632,715	11	10	1,064,194	2	9	13,568,521	9	1
Reduced £. 3½ per cent Annuities	1,867,030	17	8	366,957	1	11	1,500,073	15	9
Debt due to the Bank of Ireland, at £. 4									
per cent	1,615,384	12	4	-	-	-	1,615,384	12	4
New £. 4 per cent Annuities	10,931,490	4	5	205	0	3	10,931,285	4	2
Debt due to the Bank of Ireland, at £. 6									
per cent	1,016,384	12	4	-	-	-	1,016,384	12	4
Ireland.....	32,664,074	10	6	1,431,370	12	9	31,232,703	17	9
Total United Kingdom.....	804,860,188	14	6	32,537,648	13	4	772,322,540	1	2

	STOCK.
	£. s. d.
Note.—The above Columns, 1 and 2, show the Totals of Debt of the United Kingdom, after deducting the Stock directed to be cancelled by various Acts of Parliament, and by redemption of Land Tax, amounting to	484,639,133 3 11

FUNDED DEBT.

BRITAIN and IRELAND, and the CHARGE thereupon, at the 5th 1829.

CHARGE.

		IN GREAT BRITAIN.	IN IRELAND.	TOTAL ANNUAL CHARGE
		£. s. d.	£. s. d.	£. s. d.
Sinking Fund.	The Annual Sum directed to be issued per 9 Geo. 4, c. 90, towards the reduction of the National Debt of the United Kingdom.....	2,003,389 16 2	56,000 0 0	
	Annual Interest on Stock standing in the names of the Commissioners	960,590 18 6	50,098 18 4	
	Long Annuities	9,634 8 8	—	
		2,973,614 15 4	106,098 18 4	
Due to the Public Creditor.	Annual Interest on Unredeemed Debt	24,174,684 1 7	1,158,098 9 9	
	Long Annuities, expire 1860	1,331,017 15 0	—	
	Annuities per 4 Geo. 4, c. 22, do. 1867.....	585,740 0 0	—	
	Life Annuities payable at the Exchequer, English	24,556 8 11	—	
	Do. .. Irish	36,476 18 7	7,038 0 9	
		26,151,474 19 1	1,165,136 10 6	
Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1 and D 2, 53 Geo. 3, c. 123.....		9,766 18 10	—	
Management.....		275,117 0 7	760 16 3	
Total Charge, including Sinking Fund.		29,409,973 14 0	1,271,996 5 2	30,681,969 19 2

ABSTRACT.

	CAPITALS.	CAPITALS transferred to the Commissioners.	CAPITALS unredeemed.	ANNUAL CHARGE.				
				Due to the Public Creditor.	MANAGEMENT.	SINKING FUND.	TOTAL.	
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Great Britain	772,196,114 4 0½	31,106,273 0 7	741,089,836 3 5½	26,151,241 13 0½	275,117 0 7	2,973,614 13 4½	(a)	—
Ireland.....	32,664,074 10 6	1,431,370 12 9	31,232,703 17 9	1,163,136 10 6½	760 16 3	106,098 13 4½		
	804,860,188 14 6½	32,537,643 13 4	772,322,540 1 2½	27,327,376 3 6½	275,877 16 10	3,079,713 13 9½		30,681,969 19 2½

Purchased with the Sinking Fund (including £.6,149,245 17s. 4d.)	£.	s.	d.	(a) Chargeable with £.631,977 19s. 6d. Life Annuities, per 48 Geo. 3, c.
Non-assented £.4 per cents, vested in Commissioners as £.3½				142.
per cents, 5 Geo. 4, c. 45.....	27,999,491	11	1	Do. with the sum of £.63,000 Annuities for a Term of Years to the
Transferred for Life Annuities	3,393,711	0	0	Trustees of the Waterloo Fund, per 59 Geo. 3, c. 34, payable by
Stock Unclaimed, 10 years and upwards	223,331	4	9	sundry Half-yearly Instalments.
Purchased with Unclaimed Dividends	595,500	0	0	Also with the Payment of £.102,995 17s. 4d. (by Quarterly Instal-
Transferred for Redemption of Land Tax under Schedules C. D. 1,				ments), being part of £.6,149,245 17s. 4d. Non-assented £.4 per cents
and D. 2	325,564	17	6	vested in the Commissioners as £.3½ per cents, per 5 Geo. 4, c. 45.
Total transferred to the Commissioners, as above	32,537,643	13	4	

UNFUNDED DEBT.

AN Account of the UNFUNDED DEBT of GREAT BRITAIN and IRELAND, and of the Demands outstanding on the
5th January, 1829.

	Provided.		Unprovided.		TOTAL.	
	£.	s. d.	£.	s. d.	£.	s. d.
Exchequer Bills, exclusive of £52,750 issued for paying off £4 per cents, the payment of which is charged on the Sinking Fund	-	- -	28,438,800	0 0	28,438,800	0 0
Sums remaining unpaid, charged upon aids granted by Parliament.....	3,671,069	3 6½	-	-	3,671,069	3 6½
Advances made out of the Consolidated Fund in Ireland, towards the Supplies which are to be repaid to the Consolidated Fund, out of the Ways and Means in Great Britain	350,019	12 6	-	-	350,019	12 6
Total Unfunded Debt, and Demands outstanding.....	4,021,088	16 0½	28,438,800	0 0	32,459,888	16 0½
Ways and Means	4,527,300	18 9½	-	-	-	- -
Surplus Ways and Means	506,212	2 8½	-	-	-	- -
Exchequer Bills to be issued to complete the Charge upon the Consolidated Fund..	-	- -	5,345,333	9 8½	5,345,333	9 8½

Whitehall, Treasury Chambers, 28th February, 1829.

GEO. R. DAWSON.

FOREIGN TRADE OF GREAT BRITAIN.

An Account of the VALUE, as calculated at the Official Rates, of all IMPORTS into, and of all EXPORTS from, GREAT BRITAIN, during each of the three Years ending the 5th January 1829; showing the Trade with Foreign Parts separately from the Trade with Ireland.

YEARS ending 5th January.	VALUE OF IMPORTS into Great Britain, calculated at the Official Rates of Valuation.		VALUE OF EXPORTS FROM GREAT BRITAIN, calculated at the Official Rates of Valuation.				VALUE of the Produce and Manufactures of the United Kingdom, Exported from Great Britain, according to the Real and Declared Value thereof.
	£.	s. d.	Produce and Manufactures of the United Kingdom.		Foreign and Colonial Merchandise.		TOTAL EXPORTS.
	£.	s. d.	£.	s. d.	£.	s. d.	£. s. d.
1827.....	36,038,951	8 1	40,332,854	0 6	10,066,502	12 11	50,399,356 13 5
1828.....	43,462,747	7 7	51,276,448	4 8	9,806,247	10 11	61,082,695 15 7
1829.....	43,396,527	5 0	52,029,150	17 1	9,928,654	13 0	61,957,805 10 1

Inspector General's Office, Custom House, }
London, 24th March 1829.

WILLIAM IRVING,
Inspector General of Imports and Exports.

TRADE OF THE UNITED KINGDOM.

An Account of the VALUE of all Imports into, and of all Exports from, the United Kingdom of GREAT BRITAIN and IRELAND, during each of the three Years ending the 5th January 1829 (calculated at the Official Rates of Valuation, and stated exclusive of the Trade between Great Britain and Ireland reciprocally).

VALUE of the Produce and Manufactures of the United Kingdom Exported abroad, according to the Real and Declared Value thereof.	
£.	s. d.
31,536,723	5 9
37,182,857	3 2
36,814,176	5 3

Inspector General's Office, Custom House, }
London, 24th March 1829.

WILLIAM IRVING,
Inspector General of Imports and Exports.

NAVIGATION OF THE UNITED KINGDOM.

NEW VESSELS BUILT.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, that were built and registered in the several Ports of the BRITISH EMPIRE, in the Years ending the 5th January 1827, 1828, and 1829, respectively.

	In the Years ending 5th January.					
	1827.		1828.		1829.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
United Kingdom.....	1,115	118,363	894	93,144	842	88,663
Isles Guernsey, Jersey, and Man	24	2,171	17	1,894	15	1,406
British Plantations	580	86,554	529	68,908	328	38,683
TOTAL	1,719	207,088	1,440	163,946	1,185	128,752

VESSELS REGISTERED.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and Boys usually employed in Navigating the same, that belonged to the several Ports of the BRITISH EMPIRE, on the 31st of December, in the Years 1826, 1827, and 1828, respectively.

	On 31st Dec. 1826.				On 31st Dec. 1827.				On 31st Dec. 1828.			
	Vessels.	Tons.	Men.		Vessels.	Tons.	Men.		Vessels.	Tons.	Men.	
United Kingdom	20,469	2,382,069	149,894		19,035	2,150,605	130,494		19,151	2,151,373	131,506	
Isles Guernsey, Jersey, & Man	499	29,392	3,665		489	30,333	3,701		495	31,927	3,763	
British Plantations	3,657	224,183	14,077		3,675	279,362	17,820		4,449	324,891	20,507	
TOTAL	24,625	2,635,644	167,636		23,199	2,460,500	151,415		24,095	2,508,191	155,576	

NAVIGATION OF THE UNITED KINGDOM.—continued.

Vol. LXI.

VESSELS EMPLOYED IN THE FOREIGN TRADE.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS employed in Navigating the same (including their repeated Voyages) that entered Inwards and cleared Outwards, at the several Ports of the United Kingdom, from and to all Parts of the World (exclusive of the intercourse between Great Britain and Ireland) during each of the Three Years ending 5th January, 1829.

YEARS ending 5th January.	SHIPPING ENTERED INWARDS IN THE UNITED KINGDOM, From Foreign Parts.									
	BRITISH AND IRISH VESSELS.					FOREIGN VESSELS.				
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	TOTAL.
1827	12,473	1,950,630	113,093	5,729	694,116	39,838	18,202	2,644,746	152,931	
1828	13,133	2,086,898	118,680	6,046	751,864	43,536	19,179	2,838,762	162,216	
1829	13,436	2,094,357	119,141	4,955	634,620	36,733	18,391	2,728,977	155,874	
YEARS ending 5th January.	SHIPPING CLEARED OUTWARDS FROM THE UNITED KINGDOM, To Foreign Parts.									
	BRITISH AND IRISH VESSELS.					FOREIGN VESSELS.				
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	TOTAL.
1827	10,844	1,737,425	105,198	5,410	692,440	37,305	16,254	2,429,865	142,503	
1828	11,481	1,887,682	112,385	5,714	767,821	41,598	17,195	2,655,503	153,983	
1829	12,248	2,006,397	119,143	4,405	608,118	33,246	16,653	2,614,515	152,389	

LIST OF GENERAL ACTS

Passed in the THIRD Session of the EIGHTH Parliament of the United Kingdom of Great Britain and Ireland—10 Geo. IV. 1829.

- I. AN Act for the suppression of dangerous associations or assemblies in Ireland.
- II. An Act for continuing to his majesty for one year certain duties on personal estates, offices, and pensions in England, for the service of the year 1829.
- III. An Act for applying certain sums of money for the service of the year 1829.
- IV. An Act for raising the sum of twelve millions by Exchequer bills, for the service of the year 1829.
- V. An Act for the regulating of his majesty's royal marine forces while on shore.
- VI. An Act for punishing mutiny and desertion; and for the better payment of the army and their quarters.
- VII. An Act for the relief of his majesty's Roman Catholic subjects.
- VIII. An Act to amend certain Acts of the parliament of Ireland relative to the election of Members to serve in parliament, and to regulate the qualification of persons entitled to vote at the election of knights of the shire in Ireland.
- IX. An Act for fixing, until the twenty-fifth day of March, 1830, the rates of subsistence to be paid to innkeepers and others on quartering soldiers.
- X. An Act to suspend, until the end of the next Session of Parliament, the making of lists and the ballots and enrolments for the Militia of the United Kingdom, and to reduce the permanent staff, and regulate the allowances of serjeants hereafter appointed.
- XI. An Act to continue for two years an Act made in the fifty-fourth year of the reign of his late majesty, for rendering the payment of creditors more equal and expeditious in Scotland.
- XII. An Act to indemnify such persons in the United Kingdom as have omitted to qualify themselves for offices and employments, and for extending the time limited for those purposes respectively until the twenty-fifth day of March, 1830.
- XIII. An Act to provide for monies paid into Court under Acts afterwards repealed.
- XIV. An Act for repealing several Acts relating to the charity for the relief of the poor widows of commissioned and warrant officers in the royal navy, and for substituting other provisions in lieu thereof.
- XV. An Act to facilitate the public business in certain cases in the navy and victualling departments.
- XVI. An Act to continue the operation of an Act of the seventh year of his present majesty, for suspending the provisions of an Act of his late majesty respecting the appointment of writers in the service of the East-India Company; and to amend the provisions of an Act of the forty-seventh year of his late majesty, so far as they relate to the period of residence at Hertford College, as a qualification for certain offices.
- XVII. An Act to continue, until the thirty-first day of December, 1832, certain Acts relating to the island of Newfoundland, and the fisheries carried on upon the banks and shores thereof.
- XVIII. An Act to explain, amend, and alter the Act of the ninth year of the reign of his present majesty, for regulating the care and treatment of insane persons in England.
- XIX. An Act to explain and amend an Act of the parliament of Scotland, intituled "an Act concerning the registration of seisins and reversions of tenements within Burgh."
- XX. An Act to carry into execution the stipulations of a convention between his majesty and his Catholic majesty, for the settlement of certain British

claims upon Spain, and of certain Spanish claims upon the United Kingdom.

XXI. An Act to continue compositions for the assessed taxes for a further term of one year.

XXII. An Act to provide, until the thirty-first day of December, 1834, for the government of his majesty's settlements in Western Australia, on the western coast of New Holland.

XXIII. An Act to impose duties on the importation of silk and silk goods, and to allow drawbacks on the exportation thereof.

XXIV. An Act to enable the Commissioners for the reduction of the national debt to grant life annuities and annuities for terms of years.

XXV. An Act to provide for the better management of the affairs of Greenwich Hospital.

XXVI. An Act for transferring the management of Greenwich out-pensions, and certain duties in matters of prize, to the treasurer of the navy.

XXVII. An Act to amend the several Acts for regulating the reduction of the national debt.

XXVIII. An Act to apply a sum out of the consolidated fund and the surplus of ways and means, to the service of the year 1829.

XXIX. An Act to defray the charge of the pay, clothing, and contingent and other expenses of the disembodied militia in Great Britain and Ireland; and to grant allowances in certain cases to subaltern officers, adjutants, paymasters, quartermasters, surgeons, assistant surgeons, surgeons' mates, and serjeant majors of the militia, until the twenty-fifth day of March, 1830.

XXX. An Act to continue and amend the laws relating to yeomanry corps in Ireland.

XXXI. An Act for funding 3,000,000 of Exchequer bills.

XXXII. An Act to enable one or more of the commissioners of excise to act for the dispatch of business for Scotland and Ireland respectively.

XXXIII. An Act to amend the several Acts for the encouragement of the Irish fisheries.

XXXIV. An Act for consolidating and amending the statutes in Ireland relating to offences against the person.

XXXV. An Act to prevent arrests upon mesne process where the debt or cause

of action is under twenty pounds, and to regulate the practice of arrests in Ireland.

XXXVI. An Act to continue until the end of the next session of parliament, and to amend the Acts for the relief of insolvent debtors in Ireland.

XXXVII. An Act to amend the laws relating to coroners in Ireland.

XXXVIII. An Act for the more effectual punishment of attempts to murder in certain cases in Scotland.

XXXIX. An Act for continuing to his majesty, for one year, certain duties on sugar imported into the United Kingdom, for the service of the year 1829.

XL. An Act to continue for one year, and until the end of the then next session of parliament, an Act of the sixth year of his present majesty, for providing for the repairing, maintaining, and keeping in repair certain roads and bridges in Ireland.

XLI. An Act to amend the laws for the regulation of the butter trade in Ireland.

XLII. An Act to amend an Act of the fourth year of his present majesty, for the amendment of the laws respecting charitable loan societies in Ireland.

XLIII. An Act to amend the laws relating to the customs.

XLIV. An Act for improving the police in and near the metropolis.

XLV. An Act to continue, until the fifth day of July, 1832, an Act for the more effectual administration of the office of a justice of the peace in and near the metropolis.

XLVI. An Act for more effectually executing an Act of the last session of parliament, for the better regulation of divisions in the several counties of England and Wales.

XLVII. An Act to continue for one year, and until the end of the next session of parliament, and to amend, two Acts made in the forty-seventh and fiftieth years of the reign of his late majesty king George the Third, for the preventing improper persons from having arms in Ireland.

XLVIII. An Act to authorize the sale and transfer of the stocks or funds standing in the books of the Bank of Ireland, on account of the office of the clerk of the pleas in the Court of Exchequer in Ireland, and the payment and application of the produce

of such stocks or funds to the consolidated fund of the United Kingdom.

XLIX. An Act to continue until the fifth day of July, 1830, the provisions of an Act to allow sugar to be delivered out of warehouse to be refined.

L. An Act to consolidate and amend the laws relating to the management and improvement of his majesty's woods, forests, parks, and chases; of the land revenue of the crown within the survey of the Exchequer in England; and of the land revenue of the crown in Ireland; and for extending certain provisions relating to the same to the Isles of Man and Alderney.

LI. An Act to amend the law relating to the employment of children in cotton mills and factories.

LII. An Act to extend the powers of an Act of the fourth year of his present majesty, for enlarging the powers of justices in determining complaints between masters and servants, to persons engaged in the manufacture of silk.

LIII. An Act to regulate the duties, salaries, and emoluments of the officers, clerks, and ministers of certain ecclesiastical courts in England.

LIV. An Act for directing reports to be made respecting gaols in Scotland.

LV. An Act for the more effectual recovery of small debts, and for diminishing the expenses of litigation in causes of small amount, in the sheriff courts in Scotland.

LVI. An Act to consolidate and amend the laws relating to friendly societies.

LVII. An Act to continue until the first day of July, 1830, the powers of the commissioners for inquiring concerning charities in England and Wales.

LVIII. An Act to repeal an Act of the parliament of Ireland, of the ninth year of the reign of queen Anne, for uniting several parishes, and building several parish churches in more convenient places, so far as relates to the parishes of Oran and Drumtemple in the diocese of Elphin.

LIX. An Act to amend an Act of the seventh year of his present majesty, for consolidating the trusts of the several turnpike roads in the neighbourhood of the metropolis, north of the river Thames, and to make and maintain two new or branch roads to communicate with the said metropolis roads.

LX. An Act for raising the sum of

13,438,800*l.* for the service of the year 1829, and to appropriate the supplies granted in this session of parliament.

LXI. An Act to amend an Act of the seventh year of his present majesty, for extending to Charing Cross, the Strand, and places adjacent, the powers of an Act for making a more convenient communication from Marylebone park.

LXII. An Act to exclude persons accepting offices in the East Indies from being members of the House of Commons.

LXIII. An Act to render valid an Act to amend the law relating to the employment of children in cotton mills and factories.

PUBLIC ACTS,

Of a Local and Personal Nature, to be noticed by the Courts.

i. An Act to amend an Act passed in the sixth year of the reign of his present majesty, intituled An Act for making and constructing certain wet docks, warehouses, and other works, in the parish of St. Botolph without Aldgate, and in the parish or precinct of St. Katharine near the Tower of London, in the county of Middlesex, and for extending the powers and provisions of the said Act.

ii. An Act for enabling the Edinburgh Gas-light company to raise a further sum of money; and for other purposes relating thereto.

iii. An Act for repairing, improving, and maintaining in repair the road from Brandlesome Moss Gate in the township of Elton to the Duke of York public-house in the township of Blackburn, and a branch road therefrom, all in the county palatine of Lancaster.

iv. An Act for making and maintaining a road from Rhayader in the county of Radnor to Llangerrig in the county of Montgomery.

v. An Act for more effectually supplying the inhabitants of the borough of King's Lynn with water, and for regulating the markets, and vessels using the port thereof.

vi. An Act for lighting, watching, cleansing, and otherwise improving and

regulating the hamlets or liberties of Duddeston and Nechells in the parish of Aston, near Birmingham, in the county of Warwick.

vii. An Act for increasing the number of vestrymen, and regulating the nomination and appointment of vestrymen and parish officers, for the parish of St. Mary Stratford Bow, in the county of Middlesex, and providing for the better relief, maintenance, and employment of the poor of the said parish.

viii. An Act to provide for the repair and maintenance of the county hall in the county of Monmouth.

ix. An Act for building a bridge over the river Tees at Whorlton, in the county of Durham, and for making a road from Staindrop, in the said county, to Whorlton, and from thence, crossing the said bridge, to the present turnpike road at Greta Bridge, in the county of York, with a branch from Whorlton to the township of Barnard Castle in the said county of Durham, and another branch from the south end of the said bridge to the turnpike road from Winston Bridge to Small Ways, both in the said county of York.

x. An Act for building a bridge over the river Tyne, at or near a place called Scotswood, in the county of Northumberland; and for making convenient roads, avenues, and approaches thereto, with branches thereout.

xi. An Act for vesting a new church in the parish of Liverpool, in the county of Lancaster in the mayor, bailiffs, and burgesses of the said town; and for authorizing the appointment of districts for the better performance of ecclesiastical duties within the said parish.

xii. An Act to alter and amend two acts of his present majesty for establishing and regulating the Imperial Gas-light and Coke Company.

xiii. An Act for better assessing and collecting the poor and other rates in the parish of Hinckley, in the counties of Leicester and Warwick.

xiv. An Act for extinguishing tithes, and payments in lieu of tithes, mortuaries, and Easter offerings, and other vicarial dues and payments, within the parish of Halifax, in the diocese and county of York; and for making compensation to the vicar in lieu thereof, and enabling him to

grant certain leases of lands belonging to the vicarage.

xv. An Act for establishing and governing an institution in Liverpool called "The School for the Indigent Blind at Liverpool;" for incorporating the subscribers thereto; and also for regulating and supporting a chapel attached to the said institution.

xvi. An Act for making an embankment on the north-west side of the Leasowes, in the townships of Wallasey and Great Meols, in the county of Chester, to prevent the further encroachment of the sea, and the injury to arise therefrom to the low lands contiguous, and to the port of Liverpool.

xvii. An Act for making and maintaining a turnpike road from Barnstaple to the town or village of Braunton, in the county of Devon.

xviii. An Act for amending, altering, and improving the roads leading to the town of Okehampton, in the county of Devon, and making and maintaining a certain new road to communicate therewith.

xix. An Act for more effectually making and repairing certain roads leading to and from Bodmin, and certain other roads therein-mentioned, in the county of Cornwall.

xx. An Act for more effectually improving and repairing the road leading from the turnpike road at Wrotham Heath, in the county of Kent, to the turnpike road leading from Croydon to Godstone, in the county of Surrey.

xxi. An Act for more effectually repairing, widening, and improving the road from Harlow Bush Common, in the parish of Harlow, in the county of Essex, to Stump Cross, in the parish of Great Chesterford, in the same county; and for making and maintaining two new lines of road communicating therewith.

xxii. An Act for repairing the road from the town of Biddenden to the turnpike road from Ashford to Faversham at Boundgate, in the county of Kent.

xxiii. An Act for repairing the road from Stockershead, at the top of Charing Hill, to a place called Bagham's Cross, in the parish of Chilham, in the county of Kent.

xxiv. An Act for more effectually repairing, improving, and keeping in repair the road from Maidstone to

- Key-street, in the parishes of Borden and Bobbing, in the county of Kent.
- xxv. An Act for more effectually repairing and maintaining the road from the city of Chester, through Tarvin, to the township of Delamere, and from Tarvin to Duddon Smithy, all in the county of Chester, with the several branches thereof.
- xxvi. An Act for more effectually repairing and improving the road from Kipping's Cross, in the county of Kent, to Flimwell Vent, in the county of Sussex, and certain other roads therein described.
- xxvii. An Act for repairing the road from the Hoodgate, at the west end of the town of Middleton, in Teesdale, in the county of Durham, to the gate in the new inclosures called the Edge, near the collieries called the West Pitts, in the parish of St. Andrew's, Auckland, and also a branch from the said road, at or near the head of the town of Egleston, to Egleston Bridge over the river Tees.
- xxviii. An Act for more effectually amending, improving, and maintaining the roads from Percy's Cross to Milfield Burn, and from Wooler to Bowsdon Burn, in the county of Northumberland.
- xxix. An Act for amending an Act of the seventh year of his present majesty, for repairing the road from Ashborne, in the county of Derby, to Leek, in the county of Stafford, and from Ryecroft Gate upon Rushton Common to Congleton, in the county of Chester.
- xxx. An Act for more effectually repairing and improving the roads from Prestwich to Bury and Ratcliffe, in the county palatine of Lancaster.
- xxxi. An Act for applying, in the purchase and redemption of part of the land tax charged upon the district or division of the duchy liberty and the Westminster liberty of St. Clement Danes, St. Mary-le-Strand, and the precinct of the Savoy, in the county of Middlesex, certain sums of stock standing in the name and to the credit of the accountant-general of the court of Chancery.
- xxxii. An Act for confirming an agreement between the treasurer and masters of the bench of Lincoln's Inn and the governors and directors of the poor of the united parishes of St. Andrew, Holborn, above the bars, and St. George the Martyr, Middlesex.
- xxxiii. An Act for the building a new court-house for the liberty and borough of St. Alban, in the county of Hertford.
- xxxiv. An Act for the improvement of the harbour of Aberdeen.
- xxxv. An Act for enabling the Liverpool and Manchester railway company to make an alteration in the line of the said railway; and for amending and enlarging the powers and provisions of the several acts relating thereto.
- xxxvi. An Act for making a railway from the Bolton and Leigh railway in the township of West Leigh, to the Liverpool and Manchester railway in the township of Kenyon, with a branch therefrom, in the county of Lancaster.
- xxxvii. An Act for making and maintaining a railway or tramroad from the Liverpool and Manchester railway, at or near Wargrave-lane, in Newton in Mackerfield, to Warrington, in the county palatine of Lancaster, and two collateral branches to communicate therewith.
- xxxviii. An Act to alter, amend, and enlarge the powers of an Act passed in the sixth year of the reign of his present majesty, for making and maintaining the Duffryn Llynvi and Porth Cawl railway, and other works connected therewith.
- xxxix. An Act for paving, watching, lighting, cleansing, and otherwise improving the town of Ryde, in the Isle of Wight, in the county of Southampton; and for establishing a market within the said town.
- xl. An Act for paving, lighting, watching, cleansing, regulating and improving the town of South Shields, in the county palatine of Durham.
- xli. An Act for better paving, cleansing, lighting, watching, and improving the streets, lanes, and other public places and passages within the city of Aberdeen, and certain grounds adjacent; for regulating the police thereof; and for supplying the inhabitants with water.
- xlil. An Act for enlarging the market place in the town of Basingstoke, in the county of Southampton; and for fixing and regulating the markets of the said town; and for establishing a market for live cattle adjoining the same.

- xlili. An Act for erecting a bridge over the river Dee, at the Craiglug, in the parish of Old Machar, in the county of Aberdeen, and of Nigg, in the county of Kincardine; and for making a road from Cairnrobin, by the said bridge, towards the city of Aberdeen.
- xliv. An Act to amend an Act passed in the ninth year of his present majesty king George the Fourth, intituled An Act for building a bridge over the river Thames, at Staines, in the county of Middlesex, and for making proper approaches thereto.
- xlv. An Act for raising money to defray the expenses of rebuilding Marlow bridge.
- xlvi. An Act for rebuilding the bridge over the river Clyde, opposite Jamaica-street, in the city of Glasgow.
- xlvii. An Act for altering, extending, and improving the Exeter canal.
- xlviii. An Act to consolidate and extend the powers and provisions of the several acts relating to the Oxford canal navigation.
- xliv. An Act for making and maintaining a pier at or near Southend, in the parish of Prittlewell, in the county of Essex, and for making convenient approaches to and from the same.
- i. An Act to regulate, repair, and maintain the ferry of Kincardine across the Frith of Forth, and the accesses connected therewith.
- ii. An Act for erecting and endowing a church in Abercrombie-square, in the parish of Liverpool, in the county palatine of Lancaster.
- iii. An Act to alter, amend, and enlarge the powers of an Act of his present majesty's reign, intituled An Act for establishing an additional company for lighting the city and suburbs of Dublin with gas.
- iiii. An Act for repairing the road from the east end of the town of Newmarket, over Newmarket Heath, to the turnpike road to Stump Cross, in the counties of Cambridge and Suffolk; and the road branching out of the aforesaid road near the Devil's Ditch, on Newmarket Heath, to the present turnpike road to Cambridge.
- v. An Act for making and repairing the road from the bridge over the river Cowie, near Stone Haven, to the road along the south bank of the river Dee, at or near to Park Head or Millbank, of Maryculter, in the county of Kincardine.
- lv. An Act for more effectually repairing the road from Tunbridge Wells, in the county of Kent, to Uckfield, in the county of Sussex.
- lvi. An Act for more effectually repairing the road from the brick kilns on East Malling Heath to Pembury Green, and from Brandbridges to the Four Wents, near Matfield Green, and from the said road into the Mereworth and Hadlow Road, in the county of Kent.
- lvii. An Act for more effectually repairing and improving the roads leading from Tunbridge Wells, in the county of Kent, to Swiftsden, and from Frait to Possingworth Great Wood, in the county of Sussex, and a certain piece of road communicating with the said roads.
- lviii. An Act for making and repairing the road from Linlithgow Bridge to Stirling, and other roads in the county of Stirling.
- lix. An Act for more effectually repairing and otherwise improving certain roads and bridges in the liberties of the borough of Berwick-upon-Tweed, and counties of Durham and Berwick, and improving the entrance to the town of Berwick.
- lx. An Act for more effectually making, amending, widening, repairing, and maintaining the road from Scots Dyke, in the county of Dumfries, by or through the towns of Langholm and Hawick, to Haremos, in the county of Roxburgh.
- lxi. An Act for more effectually making, amending, widening, repairing, and maintaining the great north roads leading from the North Queensferry, and from the harbour of Burntisland, both in the county of Fife, by Kinross, to the city of Perth; and also the road from the said North Queensferry to the town of Dunfermline.
- lxii. An Act for repairing the road leading from Tonbridge to Maidstone, in the county of Kent.
- lxiii. An Act for more effectually repairing the road from Dublin to Dunleer.
- lxiv. An Act for repairing and widening the road from the north end of Dapdon Wharf, in the parish of Stoke next Guldeford, through Guldeford, to Alfold Bars, in the county of Surrey.
- lxv. An Act for more effectually repairing the roads from Alfreton to Higham and Tibshelf, in the county of Derby.
- lxvi. An Act for more effectually making,

amending, improving, widening, repairing, and maintaining the road from Lauder, in the shire of Berwick, to and through Kelso, in the shire of Roxburgh, to the Marchburn.

lxvii. An Act to enable the West-India Dock Company to raise a further sum of money.

lxviii. An Act to repeal several Acts relating to the parish of St. Paul, Covent Garden, in the county of Middlesex; and for making better provision for the regulation of the affairs of the said parish.

lxix. An Act to explain and amend an Act passed for supplying with water the town and suburbs of Shrewsbury, in the county of Salop.

lxx. An Act to alter, amend, enlarge, and consolidate certain of the powers and provisions of the several Acts passed relating to the river Weaver navigation in the county palatine of Chester.

lxxi. An Act for further regulating the statute labour, and repairing the highways and bridges, in the county of Dumbarton.

lxxii. An Act for making and maintaining a railway or tramroad from the town of Newcastle-upon-Tyne, in the county of the town of Newcastle-upon-Tyne, to the city of Carlisle, in the county of Cumberland, with a branch thereout.

lxxiii. An Act for lighting, watching, and improving the town of Croydon, in the county of Surrey; for providing lodgings for the judges at the assizes holden in the said town; and for other purposes relating thereto.

lxxiv. An Act for improving and maintaining the Shrewsbury district of the Watling-street Road, in the county of Salop.

lxxv. An Act for making and maintaining the road leading from Dublin, through Blesinton and Baltinglass, to near the town of Carlow.

lxxvi. An Act for repairing certain turnpike roads leading to and from Bilston, in the county of Stafford.

lxxvii. An Act for making and maintaining a turnpike road between the town of Tarporley, in the county palatine of Chester, and the town of Whitchurch, in the county of Salop.

lxxviii. An Act for more effectually repairing the road from James Deeping Stone Bridge to Peter's Gate, in Stamford, in the county of Lincoln,

and from thence to the south end of the town of Morcott, in the county of Rutland.

lxxix. An Act for improving and maintaining certain roads in the counties of Worcester, Warwick, Stafford, and Salop, called "The Dudley, Birmingham, Wolverhampton, and Streetway district."

lxxx. An Act for more effectually repairing the road leading from Chesterfield, in the county of Derby, to Worksop, in the county of Nottingham.

lxxxi. An Act for maintaining and repairing the road from the river at Swathling, through Botley, to the road at Sherril Heath, in the county of Southampton.

lxxxii. An Act for more effectually repairing the road from Brampton to Longtown, in the county of Cumberland.

lxxxiii. An Act for consolidating the trusts of certain roads, called "The Blue Vein and Bricker's Barn turnpike roads," in the counties of Wilts and Somerset, and for more effectually repairing and improving the same.

lxxxiv. An Act for repairing and keeping in repair the turnpike roads in the county of Fife; for rendering turnpike certain statute labour and parish roads, and for making and maintaining certain new roads in the said county.

lxxxv. An Act for more effectually repairing and improving the roads from Bolton le-Moors to the turnpike road in Parr, leading from St. Hellens to Ashton, all in the county palatine of Lancaster.

lxxxvi. An Act for making a turnpike road to communicate with the Lower King's Ferry over the river Der, from the township of Great Saughall, in the county of Chester, and from the village of Northop, in the county of Flint.

lxxxvii. An Act for making and maintaining a road from Sheepscar, through Woodhouse Carr, to Meanwoodside, in the parish of Leeds, in the West Riding of the county of York.

lxxxviii. An Act for more effectually repairing the roads from the white post on Haselden's Wood, in the parish of Cranbrooke, to Appledore Heath, and from Milkhouse-street, in the same parish, to Castleden's Oak,

in the parish of Biddenden, and from the turnpike road in the parish of Tenterden, through Rolvenden, to the turnpike road in the parish of Newenden, all in the county of Kent.

lxxxix. An Act for more effectually amending the road from Oldham, in the county of Lancaster, to Ripponden, in the county of York, and other roads in the same counties; and for making and maintaining a new branch to communicate therewith.

xc. An Act for more effectually repairing and maintaining the road from Leeds to Roundhay, in the West Riding of the county of York.

xi. An Act for repairing and keeping in repair the road from Kinross, in the county of Kinross, to Alloa, in the county of Clackmannan.

xcii. An Act for improving and maintaining the road from the town of Kingston-upon-Hull to Kirk-Ella, in the county of the said town.

xciii. An Act for more effectually repairing and improving several roads which lead to and through the town and borough of Chard, in the county of Somerset; and for making and maintaining a new road from Chard to Drempton, in the county of Dorset.

xciv. An Act for amending and enlarging the powers of an Act of his present majesty, for dividing, inclosing, and exonerating from tithes the open and common fields, meadows, pastures, fens, inges, and waste lands in the parish of Washingborough, in the county of Lincoln, and township of Heighington, in the same parish; and also for embanking, draining, and improving certain lands within the same parish and township.

xcv. An Act to provide for the more effectual execution of the office of a justice of the peace within the parishes of Merthyr Tidvil, Gellygare, and Aberdare, in the county of Glamorgan.

xcvi. An Act for taking down the parish church of St. Dunstan in the West, in the city of London, and building a new church in lieu thereof.

xcvii. An Act to enable the magistrates of the county palatine of Chester to appoint special high constables for the several hundreds or divisions, and assistant petty constables for the several townships of that county.

xcviii. An Act for establishing a ferry across the river Tyne, between North

Shields, in the county of Northumberland, and South Shields, in the county of Durham; and for opening and making proper roads, avenues, ways, and passages to communicate therewith.

xcix. An Act for the improvement, maintenance, and regulation of the harbour of Kirkcaldy, in the county of Fife.

c. An Act for building a bridge over the river Wansbeck, at the town of Morpeth, in the county of Northumberland.

ci. An Act to alter, amend, and enlarge the powers of two Acts passed in the fourteenth and seventeenth years of the reign of his late majesty king George the Third, for paving, repairing, lighting, cleansing, and watching the parish of St. James, Clerkenwell, in the county of Middlesex.

cii. An Act for lighting, watching, paving, cleansing, and improving the streets, highways, and places within the town and borough of Kington, in the county of Hereford.

ciii. An Act for supplying the city of Perth, and the suburbs and vicinity thereof with water.

civ. An Act for altering, amending, and enlarging the powers granted by an Act passed in the seventh and eighth years of the reign of his present majesty, for improving the outfall of the river Nene, and the drainage of the lands discharging their waters into the Wisbech river, and the navigation of the said Wisbech river from the upper end of Kinderley's Cut to the sea, and for embanking the salt marshes and bare sands lying between the said cut and the sea.

cv. An Act for vesting the appointment to the office of bailiff or verger of the town and port of Sandwich, in the mayor and jurats of the said town and port; and for transferring the common gaol to the said mayor and jurats; and for the building and maintaining a new gaol for the said town and port and its liberties.

cvi. An Act to enable the Clarence Railway Company to vary and alter the line of their railway, to abandon some of the branches thereof, and to make other branches therefrom; and for altering, amending, and enlarging the powers of the Act passed for making and maintaining the said railway.

- cvii. An Act for making a railway from Chapel, in the parish of Cambusnethan, in the county of Lanark, by Coltness and Gariongill, to join the Monkland and Kirkintilloch railway where the same passes through the lands of Coats or Garturk, in the parish of Old Monkland, and county of Lanark.
- cviii. An Act for making a railway from Thomas Chapel, in the parish of Begelly, to Saundersfoot, with two branches therefrom, and a harbour at Saundersfoot, in the county of Pembroke.
- cix. An Act to explain the Acts for making the Ulster canal in the counties of Fermanagh and Armagh,
- cx. An Act for amending and otherwise improving several roads leading into and from the city of Bath, and for making new branches of roads to and from the same.
- cx. An Act for making and maintaining certain turnpike roads within the county of Dumfries, and the other highways, bridges, and ferries therein; and for more effectually converting into money the statute labour in the said county.
- cxii. An Act to alter and amend and continue an Act passed in the first year of the reign of his present majesty, intituled An Act for making and maintaining certain roads and bridges in the counties of Lanark and Dumbarton.
- cxiii. An Act for continuing certain powers to the trustees of the road leading from the borough of Southwark to the Kent-road, in the county of Surrey, called Great Dover-street, for the purposes therein mentioned,
- cxiv. An Act for more effectually repairing and otherwise improving the roads from Hurdlow House, in the county of Derby, to Manchester, in the county palatine of Lancaster, and other roads therein mentioned, in the said counties and in the county palatine of Chester.
- cxv. An Act for more effectually repairing and improving the road from the bottom of Church-lane, in the town of Newcastle-under-Lyme, in the county of Stafford, to the road leading from Woore to Chester, near Nantwich, in the county palatine of Chester, and other roads therein mentioned.
- cxvi. An Act to provide for the repair of the Six Clerks and Chancery Livery Office, and the better preservation of the records of the court of Chancery.
- cxvii. An Act for better supplying the East London Waterworks with water, and amending the several acts relating to the said waterworks.
- cxviii. An Act to incorporate certain persons, to be called "The Independent Gas Light and Coke Company;" and for enabling them to light with gas certain parishes in the county of Middlesex.
- cxix. An Act to alter, amend, and enlarge the powers of several Acts passed for holding a market in the parish of St. Saviour, in the borough of Southwark, in the county of Surrey; and for granting more effectual provisions for that purpose.
- cxix. An Act for maintaining the pier at Sheerness, in the parish of Minster, in the Isle of Sheppy, in the county of Kent.
- cxxi. An Act for paving, lighting, watching, cleansing, and improving certain streets and public passages and places at Sheerness, in the parish of Minster, in the Isle of Sheppy, in the county of Kent.
- cxixii. An Act to enable the Edinburgh and Dalkeith railway company to raise a further sum of money to make a branch from the said railway to Leith, and for other purposes relating thereto.
- cxixiii. An Act to authorize the raising a further sum of money for completing the drainage and navigation by the river Witham, and for amending the acts relating thereto.
- cxixiv. An Act for altering and amending the powers of an Act of the thirty-ninth year of the reign of king George the Third, for rendering more commodious, and for better regulating the port of London.
- cxixv. An Act to authorize the endowment of the church and vicarage of Newry, and for other purposes relating thereto.
- cxixvi. An Act for the improvement and extension of the Newry navigation.
- cxixvii. An Act to incorporate certain persons, to be called "The British Gas Light Company;" and for enabling them to light with gas certain parishes and places in the counties of Essex and Middlesex, near the eastern part of the city of London.

- cxxviii.** An Act for watching, lighting, cleansing, and improving the roads, streets, and other public passages and places leading from the Stones End, Blackman-street, to the Fishmongers almshouses, Newington, and from thence to Stones End aforesaid, towards Blackfriars, Waterloo, and Westminster bridges, and the parts adjacent or near thereto, within the parish of St. George the Martyr, in Southwark, in the county of Surrey.
- cxxix.** An Act for watching, lighting, cleansing, and otherwise improving the roads, streets, and other public passages and places within the district, left as belonging to the original parish church of St. Mary, Lambeth, in the county of Surrey, and the ecclesiastical district called the Waterloo district, in the same parish.
- cxix.** An Act for the sale of the City canal, and for other purposes relating thereto.
- cxli.** An Act for better assessing and collecting the poor and other parochial rates within the parish of St. Mary, Rotherhithe, in the county of Surrey.
- cxlii.** An Act for authorizing a division of certain commons in the county of Caithness, and stewartry of Orkney, in which his majesty has an interest.
- cxliii.** An Act for more effectually repairing and improving the road from Reading, in the county of Berks, to Hatfield, in the county of Hertford, and also the road leading out of the said road at Marlow to or near the thirty mile stone in the turnpike road from Maidenhead to Reading.
- cxliv.** An Act for improving and maintaining the road from Milford, through Stainton, to Merlin's Bridge, and from thence to Cartlet Bridge, in the county of Pembroke.
- cxlv.** An Act for vesting and securing to John Stephen Langton, of the parish of Langton juxta Partney, in the county of Lincoln, esq. his executors, administrators, and assigns, certain profits and emoluments for a limited time.
- cxlvi.** An Act for improving the approaches to London bridge.

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PRICES OF STOCKS in each Month in 1829,

Highest and Lowest.

	Bank Stock.	3 per Ct. Reduced	3 per Ct. Consols.	3½ per Ct. 1818	5½ per Ct. red.	New 4 per Ct.	4 per Ct. 1826.	Long Annuity.	India Stock.	India Bonds.	South S. Stock.	Ex. Bills. £.1000.
January .. { }	209½ 212½	86½ 88	85½ 87½	95½ 96½	95½ 97	101½ 102½	105½ 105½	19½ 20½	239½ 238	77 p. 64 p.	96	66 p. 75 p.
February.. { }	212½ 210½	89½ 87	88½ 86½	97½ 96½	97½ 96½	102½ 101½	106½ 105½	20½ 19½	239 238½	67 p. 48 p.	96½ 97½	68 p. 40 p.
March { }	211½ 210½	87½ 86½	87½ 86½	96½ 95½	96½ 96	101½ 102½	105	20	229 229½	41 p. 54 p.	95½ 96½	45 p. 61 p.
April { }	208 211½	86½ 87½	87½ 88½	95½ 96½	95½ 96½	102 103½	103½ 104½	19½ 19½	232 229	53 p. 46 p.	96½	55 p. 61 p.
May { }	208½ 211½	86½ 87½	86½ 88½	95½ 96½	95½ 96½	102½ 103½	102½ 103½	19½ 19½	220½ 229½	44 p. 57 p.		57 p. 72 p.
June..... { }	211 212	87½ 88	88 88½	96½ 97½	96½ 97½	103½ 103½	103½ 104½	19½ 19½	230 229½	51 p. 55 p.		65 p. 69 p.
July { }	211½ 214½	87½ 90½	87½ 89½	97½ 99½	97 99½	101½ 103½	104½ 106	19½ 20½	224½ 229	54 p. 60 p.	97½ 98½	68 p. 75 p.
August..... { }	213 217	88½ 90	87½ 89½	98½ 99½	98 99½	102½ 103½	105½ 106½	19½ 20½	227 221½	55 p. 62 p.	98½ 98½	76 p. 60 p.
September. { }	216½ 216	89½ 89½	88½ 89½	99½ 98½	99½ 99	102½ 103½	105½ 106	20½ 20	224½ 221	64 p. 59 p.	98	65 p. 72 p.
October .. { }	211½ 216½	88½ 90½	89 91½	98½ 99½	98½ 99½	102½ 103½	104½ 105½	19½ 20	222 223½	59 p. 65 p.	98½ 99½	67 p. 76 p.
November.. { }	213 216	90½ 93½	90½ 94½	98½ 99½	98½ 100	103½ 103½	104½ 106	19½ 19½	223 227	61 p. 70 p.	100½	77 p. 66 p.
December.. { }	218 215½	92½ 94½	93½ 94½	100 100½	100½ 99½	103½ 103½	106 105½	19½ 19½	227½ 220	70 p. 67 p.		67 p. 75 p.

AVERAGE PRICES OF BRITISH CORN.

FROM THE RETURNS.

	Wheat.		Barley.		Oats.		Rye.		Beans.		Peas.	
	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
January 23	72	0	40	0	30	0	36	0	40	0	44	0
February 23 ...	75	0	34	0	32	0	32	0	34	0	41	0
March 23.....	80	0	36	0	33	0	32	0	34	0	40	0
April 27.....	78	0	33	0	31	0	32	0	34	0	40	0
May 25.....	78	0	34	0	30	0	32	0	37	0	37	0
June 22	75	0	34	0	30	0	30	0	38	0	37	0
July 27.....	75	0	34	0	30	0	30	0	38	0	37	0
August 24	82	0	35	0	29	0	36	0	36	0	38	0
September 21 ..	74	0	40	0	30	0	34	0	40	0	40	0
October 26	70	0	35	0	29	0	36	0	36	0	38	0
November 23 ...	70	0	32	0	28	0	36	0	36	0	38	0
December 28 ...	73	0	34	0	29	0	36	0	36	0	36	0

AVERAGE PRICES OF HAY & LOAD.

January.	February.	March.	April.	May.	June.
3 10 0	3 10 0	3 10 0	3 10 0	2 10 0	2 10 0
to	to	to	to	to	to
4 0 0	4 0 0	4 0 0	4 0 0	4 4 0	4 4 0
July.	August.	September.	October.	November.	December.
3 0 0	3 10 0	4 0 0	4 10 0	3 10 0	3 3 0
to	to	to	to	to	to
4 10 0	4 10 0	4 5 0	4 15 0	4 10 0	4 10 0

AVERAGE PRICES OF BUTCHER'S MEAT,

Average Prices per Stone of 8lb. in Smithfield Market, in 1829.

	Beef.				Mutton.				Veal.				Pork.				Lamb.			
	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
Jan.... 23	3	6	to 4	8	4	0	to 5	4	3	8	to 5	8	4	0	to 6	0	0	0	to 0	0
Feb....23	4	4	to 4	6	4	6	to 5	2	5	8	to 6	6	5	2	to 6	2	0	0	to 0	0
March 23	4	0	to 4	6	4	4	to 4	8	5	6	to 6	0	5	2	to 6	0	0	0	to 0	0
April 27	3	2	to 4	4	3	0	to 4	0	3	4	to 5	0	3	8	to 5	0	0	0	to 0	0
May...25	4	0	to 4	4	4	4	to 4	6	5	0	to 6	0	4	4	to 5	4	5	8	to 6	6
June...22	2	4	to 3	10	2	2	to 3	8	3	4	to 4	8	3	10	to 4	8	4	4	to 5	8
July... 27	4	2	to 4	6	4	2	to 4	6	4	4	to 5	0	3	10	to 4	10	4	8	to 5	4
Aug...24	4	0	to 4	4	4	0	to 4	6	4	4	to 5	4	4	0	to 4	10	4	8	to 5	4
Sept...21	3	6	to 4	0	4	0	to 4	4	4	0	to 4	8	4	4	to 5	2	4	0	to 4	8
Oct...26	3	6	to 3	10	3	8	to 4	4	3	8	to 4	4	4	0	to 4	8	0	0	to 0	0
Nov...23	3	0	to 4	0	3	0	to 4	8	3	0	to 4	4	3	0	to 5	0	0	0	to 0	0
Dec... 28	4	0	to 4	6	4	4	to 4	8	4	0	to 5	0	4	0	to 5	0	0	0	to 0	0

286 ANNUAL REGISTER, 1829.

BILLS OF MORTALITY, from December 12, 1828, to December 15, 1829.

Christened { Males.. 13,674 } 27,028 || Buried { Males.. 12,015 } 23,524
 { Females 13,354 } { Females 11,509 }

WHEREOF HAVE DIED,

Under two years of age	6710	Fifty and sixty	9094
Between two and five	2347	Sixty and seventy	2158
Five and ten	1019	Seventy and eighty	1843
Ten and twenty	949	Eighty and ninety	740
Twenty and thirty	1563	Ninety and a hundred	25
Thirty and forty	1902	One hundred and one	1
Forty and fifty	2092	One hundred and eight	2

Increased in the Burials reported this year, 1815.

TABLE of the Number of BANKRUPTS & DECLARATIONS of INSOLVENCY.

	Bankrupts.	Declarations of Insolvency.
January	124	15
February	141	13
March	114	11
April	106	17
May	173	16
June	153	15
July	146	8
August	103	16
September	90	12
October	120	15
November	156	15
December	154	15
	1590	168

METEOROLOGICAL TABLE FOR 1829.

Month.	Barometer.		Thermometer.		Pluvia-meter.	Winds.							
	Highest.	Lowest.	Highest.	Lowest.		Inches.	N.	N. E.	E.	S. E.	S.	S. W.	W.
January	30.90	29.00	49	31	1.390	7	12	5	0	0	2	4	4
February	30.52	29.02	55	27	0.000	4	3	5	4	2	3	4	4
March ..	30.94	29.16	60	30	0.040	1	14	7	3	1	1	1	1
April ..	30.00	28.88	65	31	0.464	2	3	1	3	6	0	2	6
May	30.32	29.54	73	44	0.295	2	10	2	3	1	5	5	7
June ...	30.37	29.36	76	42	2.270	2	2	2	8	2	4	2	6
July	30.31	29.16	74	47	5.385	1	1	1	2	4	12	6	2
August ..	30.36	29.32	74	46	3.330	3	1	0	3	2	8	8	2
Septem.	30.18	29.24	69	39	4.590	5	2	0	1	3	2	6	1
October.	30.50	29.42	65	36	1.470	0	4	1	1	0	8	4	7
Novem.	30.44	29.35	58	30	1.670	3	9	2	1	1	3	3	6
Decem.	30.56	29.60	53	18	1.200	5	14	4	1	2	1	0	2
	30.56	28.88	76	18	29.905	42	77	32	32	25	64	41	30

UNIVERSITY OF OXFORD.

EXAMINATIONS. TERM—PASCHAL, 1829.

In Literis Humanioribus.

CLASSIS I.

Chas. Baring, *Christ Church*.
 Edw. A. Dayman, *Exeter*.
 Geo. A. Jacob, *Worcester*.
 Fras. Povah, *St. John's*.

CLASSIS II.

Jas. Armitstead, *Wadham*.

Wm. W. Clarke, *Wadham*.
 Rd. Crofts, *Balliol*.
 Jas. Dennis, *Exeter*.
 Osmond C. Huntley, *Oriel*.
 John Lawson, *Alban Hall*.
 Edw. Meade, *Wadham*.
 Wm. Nicholson, *Trinity*.

In Disciplinis Mathematicis et Physicis.

CLASSIS I.

Chas. Baring, *Christ Church*.
 Arthur T. Corfe, *All Souls*.
 Wm. W. Johnson, *Brasen-nose*.
 Geo. Madon, *Christ Church*.

CLASSIS II.

Jas. Dennis, *Exeter*.
 Thos. W. Webb, *Magdalen Hall*.
 Rich. T. Winterbottom, *Balliol*.
 Septimus H. Palairer, *Worcester*.
 J. D. Pigott, *Christ Church*.
 J. Richardson, *Queen's*.
 J. Sealy, *Exeter*.
 Wm. Syms, *Wadham*.

CLASSIS III.

Wm. Abbott, *Queen's*.
 J. Aldrich, *Lincoln*.
 Sam. C. J. Berdmore, *Christ Church*.
 Arthur T. Corfe, *All Souls*.
 Sir J. T. B. Duckworth, bart. *Oriel*.
 Wm. W. Ellis, *Brasen-nose*.
 Jas. Forbes, *Oriel*.
 Hen. Horn, *St. John's*.
 Robt. Jones, *Pembroke*.
 Dashwood Lang, *Alban Hall*.
 C. J. Laprimaudaye, *St. John's*.
 Wm. J. Phillpotts, *Oriel*.
 Wm. Worsley, *Magdalen Hall*.

TERM—MICHAELMAS, 1829. *In Literis Humanioribus.*

CLASSIS I.

Thos. T. Bazeley, *Queen's*.
 Chas. P. Eden, *Oriel*.
 Herbert Johnson, *Wadham*.
 Thos. J. Ormerod, *Brasen-nose*.
 Bonamy Price, *Worcester*.
 Edw. T. B. Twisleton, *Trinity*.

CLASSIS II.

Fred. Briscoe, *Christ Church*.
 Thos. F. H. Bridge, *do*.
 Hen. Hughes, *Trinity*.

Salisbury Humphreys, *Brasen-nose*.
 Albert Mangles, *Merton*.
 Anthony F. B. St. Leger, *Brasen-nose*.
 Thos. D. Whatley, *Queen's*.
 J. Young, *Corpus Christi*.

CLASSIS III.

Edw. Ashe, *Balliol*.
 Rich. Briscoe, *Jesus*.
 Fred. Bulley, *Magdalen*.
 J. Chambers, *St. John's*.
 J. J. Digweed, *Pembroke*.

In Disciplinis Mathematicis et Physicis.

CLASSIS I.

Robt. Morris, *Christ Church*.
 Bonamy Price, *Worcester*.
 William B. Smyth, *Corpus*.
 Thos. D. Whatley, *Queen's*.

CLASSIS II.

Fred. Briscoe, *Christ Church*.
 Thos. F. H. Bridge, *do*.
 Wm. Karlake, *Oriel*.

CLASSIS III.

Wm. Drake, *Lincoln*.
 J. R. Drake, *Christ Church*.

Jas. A. Dunnage, *Brasen-nose*.
 Walter M. Farquhar, *Christ Church*.
 Thos. Freeman, *Brasen-nose*.
 Wm. Gould, *Balliol*.
 Temple Hillyard, *Brasen-nose*.
 Wm. Hunt, *Wadham*.
 Wm. Karlake, *Oriel*.
 Fred. F. Langston, *St. John's*.
 Sam. Lysons, *Exeter*.
 Wm. North, *Jesus*.
 Brisco Owen, *do*.
 Edw. Parke, *Oriel*.
 Edw. Phillott, *Pembroke*.

Jas. Stevens, *St. John's*.
Edw. Stewart, *Oriel*.
Jos. T. Toye, *Queen's*.

Dan. Vaudrey, *Brasen-nose*.
Robt. W. Whitford, *St. Edmund Hall*.
Chas. F. B. Wood, *Pembroke*.

CHANCELLOR'S PRIZES.

Latin Essay.—“*Quibus potissimum rationibus gentes a Romanis debellate ita afficerentur, ut cum victoribus in unius imperii corpus coaluerint?*” W. Sewell, *Exeter*.
English Essay.—“*The power and stability of federative governments.*” G. A. Denison, *Oriel*.

POETICAL PRIZES.

Latin.—“*M. T. Cicero cum familiaribus suis apud Tusculum.*” John Eardley Wilmot, *Balliol*.
English.—“*Voyages of Discovery to the Polar Regions.*” Thos. Legh Claughton, *Trinity*.

UNIVERSITY OF CAMBRIDGE.—TRIPOS, 1829.

Moderators. { Wm. Hen. Hanson, M.A. *Caius*.
Joshua King, M.A. *Queen's*.

Wranglers.

Ds. Whitley *John's*.
Heaviside *Sidney*.
Steventon *Corpus*.
Pritchard *John's*.
Rangeley *Queen's*.
Pullen *Corpus*.
Herbert *John's*.
Walker *Trinity*.
Birkbeck *Trinity*.
Dalton *Queen's*.
Kuhff *Catherine*.
Robins *Magdalen*.
Molyneux *Clare*.
Walsh *Corpus*.
Whall *Emmanuel*.
Urquhart *Magdalen*.
Ponsonby *Trinity*.
Walker *John's*.
Pearson *Trinity*.
Steel *Trinity*.
Raimbach *Sidney*.
Buston *Emmanuel*.
Tate *Trinity*.
Chapman *Corpus*.
Mann *Trinity*.
Jackson *Caius*.
Heath *Trinity*. { *Æquales*.
Maynard .. *Caius*. {
Tayler *Trinity*.
Tucker *Peter's*.
Baily *Clare*.
Barton *John's*.
Banks *John's*.
Dunnington *John's*.
Herbert *Trinity*.

Gibson .. *Christ's*. } *Æquales*.
Powell .. *Christ's*. }
Foster *Trinity Hall*.
Wall *Caius*.
Yardley *Magdalen*.

Senior Optimes.

Ds. Myer *Trinity*.
Gibson *Christ's*.
Snow *John's*.
Dowell *Peter's*.
Jadis *Corpus*.
Fletcher *Peter's*.
Hodgkinson *John's*.
Bird *John's*. } *Æquales*.
Desborough *Emmanuel* {
Cook *Trinity*.
Sanders *Trinity*.
Hobson *John's*.
England *Pembroke*.
Wordsworth *Trinity*.
Jay *Caius*.
Lawes *John's*.
Simpson *Catherine*.
Fawcett *Peter's*.
Dalton *Pembroke*.
Mosley *Trinity*.
Hoare *Trinity*.
Parrington *Christ's*.
Clarke *John's*.
Smith *Trinity*.
Edkins *Trinity*.
Wood *Trinity*.
Watkins *Emmanuel*.
Wilkinson *Trinity*.
Merivale *John's*.
Smith *Trinity*.

Hilton.....	<i>Trinity.</i>	Roberts	<i>Trinity.</i>
Lister.....	<i>Catherine.</i>	Drake	<i>Clare.</i>
Todd	<i>Trinity.</i>	Pickering	<i>Trinity.</i>
Cosway	<i>Queen's.</i>	Armytage	<i>John's.</i>
Humphrey.....	<i>Downing.</i>	Foster	<i>Magdalen.</i>
	<i>Junior Optimes.</i>	Sunderland.....	<i>Cains.</i>
Ds. Frere	<i>Trinity.</i>	Marsh.....	<i>John's.</i>
Hill	<i>John's.</i>	Hore	<i>Queen's.</i>
Burcham	<i>Trinity.</i>	Coates	<i>Jesus.</i>
Thomas	<i>John's.</i>	Carter	<i>Queen's.</i>
Cory	<i>Peter's.</i>	Prior	<i>Queen's.</i>
Dolling	<i>Trinity.</i>	Dwyer	<i>Corpus.</i>
Ingram	<i>Jesus.</i>	Reade.....	<i>John's.</i>

CLASSICAL TRIPOS, 1829.

<i>Examiners.</i>	Fras. Wm. Lodington, M.A. <i>Clare.</i>
	Edw. Baines, M.A. <i>Christ's.</i>
	J. Fred. Isaacson, M.A. <i>John's.</i>
	J. Gibson, M.A. <i>Sidney.</i>

<i>First Class.</i>		Tate	<i>Trinity.</i>
Ds. Wordsworth	<i>Trinity.</i>	Heath	<i>Trinity.</i>
Steel	<i>Trinity.</i>	Dalton	<i>Pembroke.</i>
Burcham	<i>Trinity.</i>	Frere	<i>Trinity.</i>
Merivale	<i>John's.</i>	Whitney	<i>John's.</i>
Wilkinson	<i>Trinity.</i>	Roberts	<i>Trinity.</i>
Lord A. Hervey..	<i>Trinity.</i>	Armytage	<i>John's.</i>
Tucker	<i>Peter's.</i>	Baily	<i>Clare.</i>
Clark	<i>John's.</i>	Coates	<i>Jesus.</i>
Hebert	<i>Trinity.</i>	<i>Third Class.</i>	
<i>Second Class.</i>		Ds. Thomas	<i>John's.</i>
Ds. Marsh	<i>John's.</i>	Myers	<i>Trinity.</i>
Watkins	<i>Emmanuel.</i>	Reade.....	<i>John's.</i>
Mann	<i>Trinity.</i>	Simpson	<i>Catherine.</i>
Todd	<i>Trinity.</i>	Wood	<i>Trinity.</i>
Urquhart	<i>Magdalen.</i>		

CHANCELLOR'S MEDALLISTS.

W. A. Soames	<i>Trinity.</i>
Wm. Martin	<i>John's.</i>

CHANCELLOR'S PRIZE.

A. Tennyson	<i>Trinity.</i>
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SIR W. BROWNE'S MEDALS.

Greek Ode.—C. R. Kennedy	<i>Trinity.</i>
Latin Ode. } Chas. Merivale	<i>John's.</i>
Epigrams. }	

PORSON PRIZE.

C. R. Kennedy	<i>Trinity.</i>
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LAW CASES AND NARRATIVES.

PREROGATIVE COURT, FEB. 25.
Colvin against Fraser.—Mr. Farquhar's Will.

Sir J. Nicholl gave sentence in this important case. The party deceased was John Farquhar, esq., who died on the night between the 5th and 6th of July, 1826, a bachelor, leaving several nephews and nieces, the issue of his brother and sisters, deceased. One of the nieces, Mrs. Trezevant, daughter of the deceased's brother, was his heir-at-law, provided she laboured under no legal disability to inherit: Mr. Fraser and lady Pole were the children of one of the deceased's sisters: Messrs. James and George Mortimer, and Mrs. Lumsden, and Mrs. Aitken, were the children of the other sister. These seven persons were the next of kin, entitled to distribution in case of an intestacy. The personal property amounted to about 500,000*l.*, and the real property to about 60,000*l.* In December, 1826, administration had been granted to Mr. Fraser, which was called in by Mr. David Colvin, in November, 1827, in his character of executor under an asserted will of the deceased, which originated the present suit. The will propounded bore date the 7th March, 1814; it was executed at Calcutta, just before the deceased left India, and in duplicate. The deceased was born near Aberdeen, in 1750, and was educated at the Marischal College for the medical profession. He went to India at the age of 19, entered the army,

was wounded, proceeded to Calcutta, and, having a taste for chymistry, superintended the manufacture of gunpowder. His undertakings were successful; and, aided by a very strict frugality, in the course of forty-five years he amassed an immense fortune. He had kept up little direct correspondence with his family. His brother had proceeded to America about the same time that he went to India; and the deceased acknowledged, in a letter to his friend, Mr. George Wilson, in 1785, that "he did not recollect much of him." With Mr. Wilson, king's counsel, he corresponded confidentially respecting all his concerns, and especially his family: a great number of these letters were before the court. In 1814, the deceased arrived in England, and took up his abode, first with sir Wm. and lady Pole, in Weymouth-street; he afterwards took a house in Baker-street; then he resided at Gloucester-place; and in 1823, he went to the New-road, where he died. In 1815, he became a partner in Messrs. Whitbread's brewery, and also in the East India Agency-house of Bazett and Co., the correspondents of the house of Colvin and Co., of Calcutta. He treated also for the purchase of certain landed estates. In 1815 or 1816, he sent for and received his will from India. It seemed rather extraordinary, that in none of the conversations about his will, whether with his partners, his solicitor, his bankers, or Mr. Colvin

himself, the deceased ever mentioned that he had a duplicate of the will still remaining in India. It was a fact clear and incontrovertible, that, though one duplicate of the will was in the possession of the deceased in 1816, the other duplicate was not known to be in India in the deceased's lifetime, nor until produced under the seal of the Supreme Court, at Calcutta, five or six months after his death. In 1816, the deceased visited Scotland. Mr. Wilson, his confidential friend, who had quitted the English bar, and retired to Edinburgh, was then dead. Previous to proceeding there, however, the deceased deposited in the custody of Mr. Bland, his fellow partner in Messrs. Whitbread's house, a paper which he declared to be his will. The deceased, when he gave him the paper, observed, "——, man, take care of it, for if any thing happens to me, that is my will." After his return from Scotland, the deceased received back this paper from Mr. Bland. There was no reason to doubt the sincerity of the deceased on this occasion, or that the paper was his will received from India, for there were then no traces of any other will. Then here was the original will taken out of the envelope in which it had been received, and put into another, so that at least there were two envelopes, and this was not an immaterial circumstance in the case; and, moreover, here was the will traced back again to the deceased's own possession. Whilst in Scotland, he made inquiry about the professors and their emoluments, and the state of education in that country, respecting which the court had the testimony of Professor Davison, who deposed that, in conversation, the deceased

repeatedly said he had made a will, but did not know if it would be valid. Here was no intimation of the terms and contents of the will, though some doubts of its validity. Nothing more was heard of the will, or of any testamentary act, till October, 1821: for though the deceased did talk in loose and general terms respecting the subject of education in Scotland, he specified no plan, nor mentioned his intention of doing any thing by will. The deceased went on with his speculations, sometimes with profit, sometimes with loss, and in purchasing estates. Mr. Drake, his solicitor, deposed to a conversation in 1818, when the deponent suggested that he should make a will, or republish his will if he had made one, as real property, purchased after the date of a will, would not pass thereby, but would go to the heir-at-law. The deceased replied—"My heir-at-law, Mr. Drake, is a vagabond in the back settlements of North America." Here, then, the deceased was informed, that an after-purchased estate would not pass by the will he had made; and Mr. Drake had intimated doubts respecting the legal capacity of his heir-at-law to inherit real property in this country. The deceased, however, took no step till three years after, in October, 1821, when, being on the point of going to Paris, in company with Mr. Phillips, the auctioneer, a hasty transaction took place at the house of Mr. Colvin. The deceased produced the Indian will, and, whilst the carriage was waiting at the door, altered the will, and executed a testamentary instrument, disposing of the East Mark estate, which he had purchased, to Mr. George Mortimer. The exact extent of

the alterations in the Indian will, any more than the contents of the other instrument, could not now be ascertained; for the latter was destroyed by the deceased in the following year, and the former was not now forthcoming. The amount of the act done must be collected in some degree, from Mr. Colvin's statements and subsequent acts. Whether there were obliterations or insertions,—whether the other instrument was on the back of the will, or on a separate paper, were facts in dispute; the subscribing witnesses differed in their testimony. It had been called a codicil, but there was no proof that it republished the will. The observations attributed by the witnesses to Mr. Colvin at subsequent periods, seemed to show that he spoke of the instrument as a will, not as a codicil. It also explained what the deceased meant when he spoke of "two wills." The fact was then admitted, that there were alterations and obliterations in the Indian will before the deceased went to Paris, and that another instrument was executed. This was not a codicil, renewing and confirming the will of Calcutta, except so far as altered, but a testamentary paper for a separate object, disposing of landed property, and appointing new executors. This instrument was left in the hands of Mr. Colvin, who, as it would appear, without any authority from the deceased, set about drawing up an instrument embodying and consolidating the Indian will and the other paper of the 2nd of October. He took the advice and instructions of Mr. Drake, and prepared a sketch and a draft; the latter he sent to Paris, together with Mr. Drake's letter of instructions. It could

hardly be supposed that Mr. Colvin would have dared to introduce or exclude what he did not conceive to be the intention of the deceased, contained in the two papers, or communicated confidentially. But in this draft were some very material variations from the will of 1814. All the annuitants were omitted, a new set of executors were appointed, and a blank was left for legacies, instead of annuities. If the Indian will had been thus altered, the obliterations must have been great indeed. The education plan was left, it was true, but even that was slightly altered, "the whole of Scotland," being changed for the counties of "Aberdeen and Mearns." These facts were not immaterial to the question, whether the old duplicate could now be set up, and whether, in point of fact, it was not destroyed. This draft, moreover, contained a legacy to the niece in America, thus expressed: "I give to my niece—, in America, the sum of —l." On the receipt of this paper, the deceased showed a considerable degree of indignation, and began to abuse Mr. Colvin in no measured language, if Mr. Phillips was to be credited: and it was not improbable, for the deceased was an irritable person. They were afterwards reconciled; but the deceased never adverted to the paper, and never executed it, or approved of its contents. In January, 1822, the deceased returned to England; and the Indian will and the paper of October, 1821, were delivered to the deceased, and deposited in an iron chest, which was conveyed to his house. This Indian will, thus traced to him, was never after seen by any human being, unless it was part of the instrument of October,

which the deceased destroyed, but the weight of the evidence inclined the Court to think it was on a separate paper. This instrument was clearly proved to have been destroyed by the deceased, who then became intestate as to his real estate. The Mortimers were excluded, and the new executors were all revoked. The subsequent acts of the deceased, in regard to his property and relations, and his declarations, required to be rather accurately examined. Towards the end of 1822 he purchased the Fonthill estate for 300,000*l.*, which remained in his possession till 1825. In 1823 and 1824 he purchased other estates, mortgages, and assignments of mortgage. The purchase of the Fonthill estate was intrusted to the agency of Mr. Phillips, who, to secure the performance of the agreement concluded with Mr. Farquhar, procured from the latter an instrument in the form of a memorandum, to this effect:—"1823. I do hereby direct this agreement to be carried into effect, and performed by my executors, in any will already named or to be named, as effectually as if I lived, and that this be considered a codicil to my last will, already made or to be made." This was not addressed to any executor by name, and it did not bear materially on the case. The deceased became displeased with Mr. Phillips, and removed him from the agency of the estate in 1824; suits arose between them in law and equity, which were unsettled at his death. The management of the Fonthill concern then devolved upon Mr. George Mortimer, in whom the deceased reposed great confidence, and to whom, it appeared from the exhibits in the cause, he gave large credit with his

bankers. He also gave him some land at Fonthill for the erection of a manufactory of woollens. There were many letters addressed by the deceased to Mr. and Mrs. Mortimer, written in an unreserved manner, and confidential. On the death of the deceased taking place, his friend and his confidential solicitor, Messrs. Colvin and Drake, were sent for: they came and sealed up the repositories, and next day searched them carefully in the presence of Mr. Fraser; but no will was found. The deceased's keys were in the place, where he usually placed them. He was accustomed to tie up the two most important keys in two separate corners of a handkerchief, which he placed under his pillow; and they were found there at the time of his death. The only paper found, which was in any degree of a testamentary kind, was an envelope which had contained a will or copy of a will. Four witnesses spoke to the finding of this paper, but the circumstances they deposed to differed. It seemed to have been found in a drawer, not in the iron chest, of which the deceased was so particularly careful. This paper, accidentally, was not preserved, nor did it appear to be of much consequence how it was endorsed: for whether it was the cover of the will from India, or had enclosed the will when delivered to Mr. Bland, or accompanied the will in the iron chest, or any other paper, was not of very great moment. These leading facts admitted of no controversy; the duplicate will was not seen after the year 1822; it was then in the iron chest, of which the deceased had the key; it was not found there, or elsewhere, after his death. On these facts, the Court

had to consider what was the *prima facie* presumption of law, as to who had destroyed this instrument. The first presumption was, that the deceased had destroyed it himself; and if that presumption was not repelled by the evidence, the legal consequence was clear that the duplicate in India was revoked. This presumption and legal consequence might be rebutted by evidence, but the burthen of proof rested on the party setting up the will. The force of the presumption and burthen of proof, in these cases, differed according to circumstances; but if it were contended that the destruction was not by the deceased, the Court must be convinced by satisfactory proof. It might be established by circumstances, that the deceased did not do the act, or by direct evidence in a different way—as that he destroyed it when of unsound mind, or in error, or through force and fear, *sine animo revocandi*, or that it had been fraudulently abstracted in his life-time. But under this last supposition, the proof must be still clearer; because here a fresh presumption arose in favour of the party charged, who could be convicted only by facts leading to a certain conclusion of his guilt. All these presumptions were resolvable into the axioms drawn from the common practice of mankind. People were in the habit of keeping their testamentary papers carefully; and if an instrument was not found, common sense suggested the *prima facie* conclusion, that the testator destroyed it with the intention to revoke it: and if he destroyed the instrument in his possession, common sense dictated that he intended to cancel that which was not in his possession. It had been argued that the

burthen of proof lay on the other party, to show that the deceased did destroy it. But this doctrine was new, and the Court could find no authority for it: the authority quoted (Swinburne) expressly negatived it. The learned Judge here observed, that he was unwilling, for obvious reasons, to refer to any *dictum* in this Court, in cases decided within the last twenty-nine years, though as far as he had examined them, he had seen no reason to depart from the doctrine there laid down. The learned Judge then quoted some cases decided by his predecessor, Sir W. Wynn, in which the principles he mentioned were recognized—that, where a will was not found, the *prima facie* presumption was, that it had been destroyed by the deceased. If, then, the presumption of the evidence established the fact, that the instrument was destroyed by the deceased, the legal consequence followed, that the duplicate was also revoked. This was a point which had been settled in a variety of cases; and there were the opinions of lord Mansfield, lord Erskine, lord Ellenborough, and sir James Mansfield, to that effect. The reason of the rule was obvious: for why should a person destroy a part in his own possession, if he meant the other part to operate? The executor might rebut the presumption that the deceased destroyed the paper, not by direct evidence merely, but by circumstances producing a strong moral conviction that he had not done so. The executor seemed to have taken this view of the case; for he not only set forth circumstances to show that the deceased did not destroy the paper, but alleged facts, showing a fraudulent spoliation of the will by another person;

and though no direct and specific act was alleged which could be rebutted, it was insinuated too plainly to be misunderstood, that Mrs. Mortimer was the person who committed the act. This was a serious offence charged against her, and should be supported by pretty clear proof. If proved, there was an end of the case. It was alleged that the deceased, during the latter period of his life, left his keys and papers about, and that Mr. and Mrs. Mortimer had access to his house in town. What did this amount to? A possibility that an act of spoliation might have been committed, but it supplied no proof of its commission, or the least circumstance whence it could be inferred. The insinuation could only be supported on the testimony of Mrs. Hurst, an undertaker and upholsteress, at Storey's-gate, who stated that Mrs. Mortimer had declared that she had destroyed the will. There was no means of contradicting this, as no other person was alleged to have been present. The Court considered it an act of justice to Mrs. Mortimer not to get rid of this evidence on the ground of its inadmissibility. If Mrs. Mortimer had really been guilty of this act of spoliation, it was highly improbable that she should not have thought it improper, or should have made it known to this witness. The whole ground-work of the alleged conversation respecting the administration was fallacious. The witness had applied repeatedly for a loan of money to Mr. Mortimer, who had neglected her applications, and it was hardly likely she would have suppressed such a secret. Not getting pecuniary assistance from Mr. Mortimer, an anonymous letter found its way to Mr. Colvin,

stating that Mrs. Hurst could give some important information respecting Mr. Farquhar's will, and thus it came out. The memory of the witness was, however, not very accurate. She denied facts which her own letters proved. In short, no reliance could be placed on the evidence of this witness; and it was but just to Mrs. Mortimer to state, that not only was this charge not proved, but that she was wholly acquitted of the imputation of having destroyed this will. No proof existing that the will was destroyed by any other than the deceased: the case rested on general statements, intended to show the improbability of the deceased's doing it, and to lead the Court to conclude that it was done by others. The learned Judge then entered upon a long consideration of the probabilities of the deceased's adherence to the will, observing that the dispositions in favour of the Scottish Universities, *modo et formâ*, was not likely to have been adhered to, after the exact inquiries made by the deceased on the spot. On the other hand, the deceased was not destitute of regard for the ties of blood, as appeared from his acts and letters. Observing the conduct of persons in general, and the example set by the rest of the world, the deceased might conclude that such undertakings as the one contemplated by his will were not to be accomplished by an individual, but by the contributions of the many. Besides, the destruction of the codicil might set up the original will as far as the alteration went, but not the parts cancelled and erased. The learned judge then proceeded to show the effects of the destruction of the codicil on the interests of the parties and the main question,

It did not appear improbable to him, that when the deceased destroyed the codicil, he threw the will into the fire, with the intention of revising the whole of his testamentary concerns. This was more probable than that he wished the Indian will to remain in operation. From that period, the existence of the will wholly depended upon the credit due to the alleged declarations of the deceased; but declarations, unsupported by circumstances, were very unsafe and insufficient grounds to repel the presumption of law. The exact words might be misapprehended or misrepresented. The slightest alteration of an expression, or even a letter, might vary the whole import of the declaration; and the insincerity of declarations, especially in regard to wills, increased the danger of implicit reliance upon them. The learned judge here examined the declarations imputed to the deceased, which he showed to be inconsistent with the facts. He had been importuned by various persons to make a will, and he endeavoured to evade them; and not being able to make up his mind, determined to let the law make a will for him. It did not appear that the deceased had that scrupulous regard to veracity, which prevented him from parrying the importunities of his friends by insincere answers. If the case rested here, therefore, there was not sufficient to repel the legal presumption; but if the Court looked at the facts and circumstances on the other side, how would it then stand? It was true, the presumption of law did not require to be supported by evidence; but if it was, the presumption became strengthened. The learned judge proceeded to

show that the declarations ascribed to the deceased, in regard to an intestacy, were probable and accordant with facts. The probability was strongly increased by the conduct of the deceased in regard to his property. Although he was aware of the operation of the statute of mortmain, and that after-bought real property would not pass by his Indian will, he continued to buy estates. Though irritable and passionate, the deceased was an acute, intelligent man. The acquisition of money seemed to constitute his happiness; and, having acquired it, he was reckless of what became of it after his death. If this consideration was followed up by considering his conduct to his relations, the probability of his destroying the will would be still further increased. Though Mr. Fraser had offended the deceased, not by any immoral act, but by an independence of mind which was honourable to him, though offensive to his uncle, the deceased became reconciled to him, and received his visits. His conduct to the Messrs. Mortimer it was impossible to reconcile with a belief that his Indian will was then in existence. On this foundation of the affection shown by the deceased to his family, declarations might come in, and were entitled to regard; and the declarations in this part of the case did not depend on precise terms, but were connected with extended conversations, repeatedly expressed, and were also consistent with the *res gestæ*. On the whole view of this important case, the Court pronounced against the will propounded, and that, as far as it appeared to the Court, the deceased had died intestate. With respect to the costs, the Court, on principle,

could not direct them to be paid out of the estate. Where an executor propounded a paper under these circumstances, he did it at his own peril, at least at his own risk. There were several facts pleaded which had not been satisfactorily proved, and charges which had not been supported. Great expense had been occasioned, as well as anxiety to the relations. The learned judge did not see the obligation of Mr. Colvin to bring this will before the Court. If he had made inquiry, he must have been satisfied that the deceased had destroyed the will himself; that was his own impression; and he could not be misled by the law, as to the duplicate not being revoked. Therefore, in the Court's judgment, there was no legal or moral obligation to bring it before the Court. In respect to the parties cited, they were under no obligation to appear; and it would be introducing a precedent, attended with bad consequences, if, when an executor was before the Court, propounding a will, unless there was some reason to suppose collusion, legatees should interfere, and take their costs out of the estate. The Court left the several parties to the consideration of the next of kin; it was not at liberty to indulge its liberality at the expense of the next of kin, unless public justice demanded it. The Court, therefore, made no order as to costs.

LANCASTER, MARCH 21.

Prosecution under the Marriage Act.

Thomas Buxton, Mary Ann Buxton, William Webster, Erasmus Webster, and Benjamin Wilde,

were indicted for conspiring to effect a marriage without the due publication of banns.

Mr. Brougham opened the case. Miss Elizabeth Hickson, with whom the pretended marriage had been celebrated, was the daughter of a lady, who, having married again, was now called Wayte, and the grand-niece of a gentleman of very large fortune, Mr. Thomas Wilson, of the firms of Wilson and Co. Warnford-court, London, as well as of his brother, Mr. John Wilson, of Stenson, in Derbyshire. The latter had carried on the business of farming to a very considerable extent, and partly by that, and partly by inheritance, had amassed a large fortune; and being unmarried, he had adopted Miss Hickson as his child. Miss Hickson was entitled, in her own right, to a small fortune, about 2,000*l.*; but had very large expectations from her uncle. Mr. William Webster, the contriver of the plot which had been laid against the peace and the future welfare of Miss Hickson, was a sheriff's officer at Derby; and, at the time of this transaction, was involved in great pecuniary difficulties. His brother, Erasmus Webster, was at one time an attorney at Manchester, but was compelled, by pecuniary difficulties, to leave that place just before the plans of his brother were carried into effect. Benjamin Wilde, the third defendant, had been in the army, in which he attained the rank of captain; but, for several years past, had employed himself in keeping a second-rate public-house, called the White Lion, in an obscure part of the town of Manchester. Mary Ann Buxton was the youngest sister of the remaining defendant, Thomas Bux-

ton. These two were the son and daughter of a farmer, in humble circumstances, now dead, but who, when living, resided at Stenson, and their mother, Mrs. Buxton, was the daughter of a working blacksmith. Thomas Buxton was several years older than Miss Hickson, being at the time of these transactions about 25 years of age; he was in embarrassed circumstances, and of profligate habits. Some time during the spring of last year, William Webster had conceived that it might turn out to his own advantage, if, through his means, a marriage could be brought about between Thomas Buxton and Miss Hickson; and he therefore incited Buxton to seek her acquaintance, by describing the amount of her expectations; and he afterwards assisted him by every means in his power. For the services which he performed in this way, it was agreed between them, that, on the marriage taking place, Buxton should pay him 500*l.* in money, if that was in his power; and if not, he was to give him a note of hand, or accept bills, to that amount. In addition to this, Webster was to have Buxton's favourite horse, an animal, as it would seem, of some value. These plans having been laid, an intimacy between Buxton and Miss Hickson was brought about by the aid of Mary Ann Buxton; and at length a correspondence, by means of love-letters, was carried on between them; and Buxton succeeded in obtaining some portion of the affections of Miss Hickson, who was a young lady of great simplicity of character, and of a most kind and confiding disposition. In order to prepare the way for their ulterior proceedings, Wm. Webster endeavoured to make himself ac-

quainted with the provisions of the marriage law; and, with this view, he consulted a person who had been clerk to an attorney, and who then officiated as the clerk of the church of St. Werburgh, in Derby, who informed him of all the steps necessary to be taken, in order to obtain the solemnization of a marriage, either by license or by banns; stating to him also, with respect to the latter course of proceeding, that, if application were made for the publication of banns in a small parish, the clergyman would probably make inquiry whether the parties really resided there; but if it were a very large parish, it was very unlikely that any such inquiry would be made. As the parish of Barrow, in which all these parties resided, was a very small one, so much so that there were not more than two or three publications of banns in the course of a year, it was obvious that a publication there would have been equivalent to proclaiming it in every house in the parish, and it would have been sure to have come to the ears of Mrs. Wayte and Mr. Wilson, who, by applying to the Court of Chancery, would have been enabled to prevent the marriage taking place. Wm. Webster, therefore, acting on the information he had received, betook himself to another course. He resolved to make application in the parish of Manchester, where there were as many as 190 or 200 publication of banns in one day, and where it occupied the clergyman for 20 minutes, after the second lesson, to read them over with all the rapidity which he could make use of. In such a place as that, it was possible even for persons resident in the parish to be totally ignorant of the publication of the names of their nearest rela-

tions; and there was not the slightest chance that persons resident fifty miles off, in the county of Derby, could hear a syllable of the matter. Accordingly, Webster and Buxton went to Manchester, some time in the month of May, and applied to a person of the name of Agar, with whom the Websters had some acquaintance, and whose assistance they requested in endeavouring to bring about the marriage. Having, however, failed in procuring that assistance, they went subsequently to the defendant Wilde, and obtained his active assistance in the plot. Wilde and Buxton went to the parish clerk, a person of the name of Neale, and gave him the names of Thomas Buxton and Elizabeth Hickson, desiring that they should be published as early as possible. The clerk, it would seem, kept, in addition to the regular book of banns, a sort of waste-book, in which he entered the names of persons who applied at his house for that purpose, and which he afterwards copied into the regular book of banns. At the time when the names were given to him, nothing was said about the residence of the parties, and he, as a matter of course, entered them as of the parish of Manchester. In consequence of this arrangement, the banns were published for three successive Sundays; the family of Miss Hickson remaining in perfect ignorance of the fact. Some time before this, the meetings of Miss Hickson with Buxton attracted the notice of her friends, on which account all intercourse was forbidden between her and the family of the Buxtons, with the exception of the defendant, Mary Ann Buxton, who, being considered somewhat better than the rest, and having formed an intimacy with

Miss Hickson at school, was allowed to continue it. She was still permitted to see Miss Hickson; and, as that young lady, in order to lull the suspicions and the vigilance of her mother, very seldom went out, most of the intercourse which took place between her and Thomas Buxton, and the arrangements for her leaving home, must have been made through the medium of Mary Ann Buxton. At length notice was given that the plot was matured. Mary Ann Buxton went to the house of Mrs. Wayte, on Sunday, the 8th of June, where she must have concerted with Miss Hickson the manner in which she was to leave home on the following morning. Miss Hickson obtained leave from her mother to go out for the day, under the pretext of paying a visit to some friends at a place called Normanton. She rode a pony, and was to be attended on the journey by a boy on foot; but she contrived, under some pretext, to send the boy away with the pony to Derby, and then, instead of going to Normanton, she went in another direction, to a place where a carriage, procured by William Webster, was in waiting. Here she met Thomas Buxton, Mary Ann Buxton, and Erasmus Webster; they all got into the carriage, and drove off under the directions of Erasmus Webster, who went to see them safely on the road. By his directions, the driver turned off from the direct road, for the purpose of avoiding the town of Derby, and went by a series of cross-roads, round one side of that town, until they got into the road leading to Matlock, by which means they avoided all the turnpike-gates near home, and thus diminished the chance of any information being obtained as to their

movements. Having arrived at Matlock, they ordered fresh horses; and, with the view of keeping Miss Hickson's friends more completely in the dark, they directed the post-boy not to set out on his return to Derby until seven o'clock in the evening, for which they paid him an additional charge of 6s. 8d. Erasmus Webster then returned to Derby; and the other three, Thomas Buxton, Mary Ann Buxton, and Miss Hickson, proceeded to Manchester, where they arrived on the same evening, and took up their abode in the house of the defendant Wilde. From his house they proceeded, at eight o'clock in the morning, to the parish church, where an arrangement had been previously made to procure the attendance of a clergyman, and the marriage ceremony was performed, after which the parties signed their names in the register of marriages. Buxton signed his first, Miss Hickson next, and Wilde and Mary Ann Buxton signed as witnesses. In that register, the parties contracting the marriage were described as being of the parish of Manchester. It would appear, however, that there was an irregularity which it was greatly to be regretted should exist, inasmuch as it might sometimes lead to very serious mistakes. The names of the parties, it seemed, were entered in the register, and they signed it before the marriage ceremony was performed; but the register was not rendered complete, by the signature of the clergyman, until afterwards. From the church they returned to the house of Wilde; and the case, as regarded Miss Hickson, would certainly have been remediless, if, following the advice of Webster, they had gone off as soon as the ceremony was performed, and consummated the

marriage somewhere else. Most happily, however, for the family,—most happily, for the future peace and welfare of Miss Hickson, they were traced out, by the exertions of her uncle, Mr. Moore, who found them at Wilde's house, in the evening of the 10th of June, when Buxton and Miss Hickson had never been for one moment alone together, and when, therefore, there could not be the slightest pretence for alleging any consummation whatever of this pretended and fraudulent marriage.

The material facts of the case were proved.

Mr. Pollock addressed the Jury on behalf of the defendants.

Mr. Justice Bayley, in summing up the evidence, said, that in this case the parties lived in the parish of Barrow-upon-Trent; and if the banns had been published there, the friends and relations of both would have known of their intentions, and the mother of the young lady might have interfered, by her advice, to prevent the marriage; or if that had not been sufficient, she might have applied to the Court of Chancery. But instead of such a publication, the banns were published at a place where neither of the parties resided, at a considerable distance from their residence, and where a very large number of banns were published every Sunday. He could not hesitate for a moment in telling the jury, that a conspiracy to bring about a marriage by banns in this manner was a punishable offence. If it was not held to be a crime, it would be equivalent to a repeal of the act of Parliament. It was true, that, after the solemnization of the marriage, the publication of banns out of the parish where the parties were resident, would not, on any ques-

tion touching the validity of such marriage, suffice to vitiate it. The marriage was binding; and perhaps, that might make the offence so much the greater.

The jury deliberated for a few minutes, and then returned a verdict of *Guilty* against Thomas Buxton, William Webster, and Erasmus Webster; and of *Not Guilty* as to Mary Ann Buxton and Benjamin Wilde.

Mr. Justice Bayley then sentenced the three defendants who were convicted, to be severally imprisoned in the Castle of Lancaster for three years; at the same time intimating, that, if the jury had convicted Mary Ann Buxton, he should have passed the same sentence upon her.

YORK, MARCH 31.

(Before Mr. Baron Hullock.)

*Trial of Martin for setting fire to York Minster.**

Jonathan Martin was placed at the bar, on a charge of having set fire to the Cathedral Church of York.

Job Knowles examined.—I am the sexton of York Minster. On Sunday, the 1st of February last, I was in the Minster, and was the last person there that afternoon. I locked the gate. There was a long rope to the prayer-bell; it was knotted, and hung in the belfry. On sermon-days and Sundays it is rung in the belfry. I had noticed the prisoner there that afternoon. There was a silk curtain to the pulpit, and also to the archbishop's throne. They were all safe, when I left in the evening. I went to the Minster on the following morn-

ing about a quarter past seven. It was at that time all in smoke. I saw the pulpit, before the fire caught it. I could not at first find the cushion, but I afterwards found it at the bottom of the pulpit. The fringe and tassels, which were of gold, had been taken away. The curtain had been taken from the ladies' pews, but the fringe left.

John Scott.—I am one of the masons of the Minster. On Monday, February 2nd, I went there a few minutes after seven o'clock, and entered the south transept. When I got to the gate, I saw that the whole line of wood-work, from the gate to the archbishop's throne, was consumed. I found the bell-rope hanging out of a window in the north transept. It was secured to a running scaffold, which we have for cleaning the church. There was a hole in that window large enough for a man to get through. The rope was knotted in the manner it is now, and touched the ground.

William Ruddock.—I was in the belfry at the Minster on Sunday the 1st of February. I am a ringer there. The rope of the prayer-bell was there in a perfect state and coiled up. It is about seventy or eighty feet from the belfry to the nave of the church. I left the belfry open that evening.

Joseph Richmond.—On the afternoon of Monday, the 2nd of February, I went to the belfry and saw that the rope of the prayer-bell had been cut off.

Henry Bewley.—I am a plumber and glazier in York. On the morning of the 2nd of February, I went to the Minster to the north transept. I saw a hole in the corner of the window large enough for a man to get through. I got in through it. On the ground I

* See Chronicle, page 23.

saw a pair of shoemaker's pincers, I saw a rope tied to what is called "the fleet." It is a machine for cleaning the windows. The rope hung out of the window. I gave the pincers next morning to Mr. Pardoe.

W. Pardoe.—I am a police officer. I received from the last witness a pair of pincers, which I showed to William Law.

William Law.—I live in York, and am a shoemaker. The prisoner lodged in my house a little more than a month. He came to me the first time on the day after Christmas-day. He was accompanied by his wife. He left my house on the 27th of January. During his stay in my house, I had frequent opportunities of seeing him. He was absent all day selling books, but I saw a good deal of him at night. The books contained an account of his own life. I thought him a very religious man, he was always engaged with his bible or hymn-book. He was in the habit of attending the Ranters and Methodist meetings, and sometimes on Sunday evening he went to the Minster. He went away accompanied by his wife on the 27th of January. On the last day of January, which was a Saturday, he came back by himself. On Sunday, the 1st of February, I saw him at my house for the last time. He went away about ten o'clock. I had a pair of pincers. Those now produced are the same. They were at my house on the Saturday, but I did not again see them until they were shown to me by Pardoe. They were kept in the prisoner's bed-room.

Cross-examined by Mr. Brougham.—The prisoner lodged in my house a month. During the day he used to be out selling his books.

He was altogether under the influence of dreams. His dreams always came true. By his talk, I suppose he looked chiefly to his dreams. When I heard of the fire, I said "Surely it is not Jonathan Martin that has done it." I said that, when my son told me about the rope ladder. Whilst he lodged with me he wrote threatening letters to the clergy.

Mrs. Law, the wife of last witness.—I remember Jonathan Martin coming to our house on the 26th of December. Whilst at our house I thought him a sound man.

Henry Carter.—I am son of Joseph Carter, of Northallerton. On Monday, the 2nd of February, in the afternoon, the prisoner came to my father's house. He had a bundle with him. My father was not at home. My father takes in lodgers. Prisoner asked for a bed. He seemed tired, and said he wished to go to bed, as he must get up at eleven o'clock that night.

Joseph Carter.—I live at Northallerton. My sister married Martin. I saw him on Monday, the 2nd of February, at my house. I was not at home, when he arrived. I got home between six and seven in the afternoon. I went up stairs to speak to him. He was not in bed. He had a bundle with him. He said nothing to me. He gave me a bit of red cloth. I asked him where he had got it, and he said that he had taken it in part for a bad, or an old debt. I gave the cloth to my wife. Martin did not say why he wished to leave it at my house. He said he was going to Hexham to his uncle's, and would be back in the course of three weeks. He left my house at eleven o'clock that night. Before he went, he asked me for 3s. 6d., as he was short of money. I lent it to him. I had

seen him before on the preceding Easter, but not since. On the Monday he seemed very wild, and very much distressed. It is thirteen miles from York to Northallerton.

Cross-examined.—When I saw prisoner on the Monday, he looked a great deal wilder than I had ever seen him before. When I saw him at Easter, he was going to Lincoln. He was not so wild then. He has been confined in a lunatic asylum, but has been at liberty for several years.

John Wilson.—I live with Mr. Godson, a farmer, at Northallerton. On Monday, the 2nd of February, I drove my master's cart. The prisoner at the bar asked me to let him ride. I did so. He had a bundle with him. He did not ask me where I was going. He went with me as far as Flintoff-bank. Before that we stopped at a public-house. Prisoner got off the cart and went in. When in the house a person came in and said something about York Minster, but it was not in prisoner's presence. Flintoff-bank is about twenty-eight miles from Northallerton. He left me about eleven o'clock on Tuesday, the 3rd of February.

Edward Kell.—I live near Hexham. I have known the prisoner ever since he was six or seven years old. He came to my house on Wednesday, the 4th of February, about three in the afternoon. I saw him come in. He had a bundle with him, and a palm branch in his hand. He asked how we were, and said he had brought summer. He seemed tired, and said he had come from York on Monday morning; and he added, he had been hunted like a partridge. He said he had been working at his business at Lincoln, but had fallen into a pit, and got cold, which had affected

his arm; and that, not being able to work, he had gone to York to sell pamphlets. He said that many of the York clergy were magistrates. He asked, if I had read the last edition of his pamphlet? And I said "No." Prisoner then took one out of his pocket, and read to me a dream about the destruction of London, and the overthrow of the Government. I said "You are a traitor." He said that was what the people of York called him. He did not open his bundle in my presence: it was taken into the kitchen. He slept at my house that night; on the next day he wanted to see the York newspapers. He had, for the most part, a bible and hymn-book on the table; on Thursday he read out aloud the sixty-fourth chapter of Isaiah; there was a passage in the chapter about our holy and beautiful house being destroyed. I have known him from a child; I have always considered him incoherent, when he spoke about the clergy. He has been at large seven years; before that time he was confined in a lunatic asylum.

Wm. Stainthrop.—I am a constable at Hexham. I saw Martin at Mr. Kell's house on the 6th of February. I told him, he was my prisoner. Martin went with me. When we were going out, he asked me, if I came from York. I said no. The servant came to the door, and said he had left his bundle. I told her to bring it, and she did so. I asked him, if it was his, and he said yes. I locked up the bundle then, and afterwards opened it. It contained four pieces of crimson velvet. I gave them to Mr. Pardoe. On our way I desired Martin not to say any thing to criminate himself. He asked what time the York paper arrived,

and I said about nine in the morning. Pointing to Hexham-church, he said, it was a fine old church; was that built by the Catholics too? I took him to the House of Correction. When I opened the bundle, Martin said, that he had brought the velvet and fringe from the York Minster. There was a bible in the bundle, and he said he had got that also from the Minster. He told me that he had set fire to the Minster, and described the manner. He said he had concealed himself in the Minster on Sunday afternoon, and remained concealed till night. He afterwards ascended the stairs of the belfry. He then struck a light with a razor, a small piece of flint, and some tinder. He had a candle, which he had cut in two. After he had got a light, he cut off part of a rope from the belfry. He knotted the rope, and used it as a ladder to get over the gate leading into the interior. He came down from the belfry about nine, and remained in the body of the cathedral till about one. He then climbed over the iron gate, and used the rope ladder in ascending the wooden gate. He then struck a light a second time, and with the razor cut the crimson velvet from the cushion. He then collected the cushions on each side of the carved work, and introduced a bunch of matches into the centre, and set light to it. He left the interior of the Minster as the smoke began to rise, and, with a pair of pincers that he had brought from his lodgings, he broke a window. He fastened one end of the rope ladder to the machine, and put the other end out of the window, and by this means let himself down to the ground outside. He left York about three o'clock in the morning, and went to Easingwold, thence to

Thirsk, and thence to Northallerton, where he remained a few hours. He left Northallerton the same evening in a cart, and on the following day but one he arrived at Hexham, at Mr. Kell's house. He told me that he set fire to the Minster on account of some wrongs which he had received from the clergy; that they had put him into a lunatic asylum, and prevented his wife and child from seeing him.

Cross-examined.—He also told me of a dream. He said that he saw a man stand at the door of the Minster, with a bow and a sheaf of arrows; that the man let fly one arrow at the door of the cathedral, and then took another arrow and gave it with the bow to him (Martin); that he tried to shoot the arrow, but people surrounded him so much, that he could scarcely use his arms; that he did let fly the arrow, which struck against the flags, and then disappeared. He told me also another dream. He said that he saw a black cloud over the Minster, which came over the place where he lodged, and shook the house much. Those two dreams, he said, incited him to destroy the Minster. After hearing these particulars, the impression on my mind was, that he was not in his senses.

William Steel, an upholsterer in York, identified the velvet and hangings produced as part of those used in the Minster.

Mr. Matthew Wilson.—I am a Methodist preacher. I visited the prisoner at the House of Correction at Hexham. I inquired why he had set fire to the York Minster, and he told me, that the clergy were blind guides; and that, if the blind led the blind, they would

all fall into the ditch. He said he had destroyed the Minster for the glory of God and the good of the people of England, particularly of the people of York, who, when they found their fine cathedral gone, would disperse to other places where they would hear the gospel. I told him that some noises had been heard in the Minster on the night of the fire, and asked him if it was his ranting. He said, perhaps it was, for he had several times shouted, "Glory to God!"

George Davies. — I am the parish-clerk at Boston, in Lincolnshire. The prisoner was married at that church on the 19th of October last. He behaved then very correctly. He paid me my fees. When I asked for the clergyman's fees, he said he had paid enough, — he was but a poor man.

John Quin. — I am a weaver at Leeds. The prisoner lodged with me. He used to read his Bible very much. I saw nothing in his conduct and manner different from that of every rational man.

Several other witnesses gave similar testimony.

Mr. G. Champney. — I am a surgeon to the York gaol. I have visited the prisoner five times. I think he has capacity to distinguish between right and wrong.

Cross-examined. — I never attended a lunatic asylum. I have, in my private practice, had patients under the influence of insanity.

The prisoner then entered into a long and incoherent story. He had, he said, two dreams, which first inspired him with the thought of setting fire to the Minster. He had written five letters to the clergy, in the hope of obtaining an answer, but no answer had been returned. He had thereupon pe-

titioned the Lord what to do, and he had had a dream that a cloud hung over the Minster, and then came and settled over his lodgings. He then thought that he was destined to destroy all things; but he went down on his knees and prayed to God to direct him. Suddenly he heard a voice which told him it was his destiny to destroy the cathedral on account of the misconduct of the clergy. After this he had no rest, night or day, until he prepared to accomplish the design. When he had got every thing ready, he told his wife, and she was greatly troubled, and asked what would become of her and her child. When his child was mentioned he at first repented, and began to waver; but he heard a voice saying, "What thou doest do well; go forward and complete thy work." He then left his wife, came to York, and set fire to the Minster, in the way already described.

The following witnesses were called by the prisoner's counsel:—

John Douglas. — I am a shoemaker. I was a seaman, during the war, on board the *Atlas*. The prisoner was aboard the same ship. We were together at the battle of Copenhagen. After the battle, the prisoner, who was captain of the fore-top, fell from aloft over-board. He was very ill after that. After that accident I perceived a change in him. The *Atlas* was a 74 gun-ship.

Margaret Dorton. — I keep a lunatic asylum at Catesby. I went there in 1819. I found the prisoner there. He remained until 1820. On the 17th of June in that year, he made his escape. He was brought back in three days by order of the magistrates. He then remained until 1821, when he

again escaped. From what I saw of the prisoner, I thought him an insane person. He used to sit on the floor with two sticks crossed, and employed himself either in whistling or singing hymns. He used to play with the sticks sometimes as if he was fiddling, and then he said it was in imitation of David's harp. It was necessary to confine him before he would be shaved. I have known him fast for four days, and say it was God's order. Frequently he would fast two days, and say that Christ fasted on the Mount for forty days. He was sometimes put under restraint, and would then endeavour to be master of the keeper. He used to talk of dreams and prophecy. He said he could do whatever he dreamt.

Several medical men deposed, that the prisoner was a man of unsound mind.

Mr. Kilby.—I am the keeper of the York gaol. I think the prisoner's mind in a very excited state on one subject. When the prisoner heard of the line of defence which his counsel intended to set up, he was highly exasperated.

Mrs. Kilby, wife of the last witness, had observed the prisoner very much. Soon after he came to prison, he said he dreamed that he saw a man on the top of the wall, and an angel assisting him down. He looked about to see who the man was, and at length he found it was himself. He said, the Lord was his defence, and would support him and be his counsellor, and he would not trust in an arm of flesh. This was before the attempt to escape. Witness remembers his walking with Webster the turnkey, and noticed him particularly; he looked extremely dejected and melancholy; his eyes were particu-

larly remarkable. One Saturday he walked with Webster, and became much changed in his manner, and began to laugh and talk very much. He continued to have an increase of spirits from that to the last. About ten days ago he turned up his trousers and put on gaiters. He said he dreamed he was tried; that there was a great concourse of people, and he got up to make room for them, and then found himself alone, except that a little child came, so weak, he wondered how it got there, with shackles of solid silver. From that he thought he should be ironed, and had put on gaiters to prepare his legs.

Mr. Baron Hullock charged the jury. There were two questions for their consideration. The first was, whether the prisoner had committed the act of setting fire to the Minster, and upon that question there could be no doubt. The second question was, whether, at the time when he committed the act, he was of sane mind, and capable of distinguishing right from wrong.

The jury returned a verdict of *Not Guilty*, on the ground of insanity.

BURY ST. EDMOND'S, APRIL 7.

Trial for Manslaughter—Mysterious case.

Thomas Churchyard was indicted for manslaughter, in having feloniously slain Elizabeth Squirrell, at Ipswich, on the 11th of October last, by stabbing her in the left side with a knife. The second count charged the death to have been occasioned by throwing the knife at the deceased.

Mary Bishop.—I was lady's maid in Mr. Rodwell's family.

Prisoner was footman, the deceased was housemaid, and there were five other servants. On the 11th of October last, the family had been to Bury. Next day (Sunday), the deceased complained of sickness and a pain in her side. In the evening, we assembled in the parlour to hear a sermon, and the deceased, who had been rather out of humour, appeared as usual. After the sermon, we got our suppers in the housekeeper's room. While the deceased got our supper ready, prisoner took the supper-tray into the parlour. When the tray came out of the parlour, deceased went to put up the dishes in the pantry. Prisoner fetched the tray out of the parlour and carried it into the pantry. Deceased brought the dishes into the housekeeper's room. She then returned into the pantry, and I heard a noise like the falling of knives there. Prisoner then came and asked me, if I was ready for prayers, and I said I was. He then went and locked the gate door, and as soon as he shut the door, deceased came into the room, looking very pale and ill. I asked her what was the matter, and she said she had been very sick. She sat down, and asked for some brandy and water, which I gave her. She said, "I don't think I can go to prayers." I said "Why?" She said, "For fear I should be sick." However, she did go to prayers, and knelt down by the side of me. We came out of the room together, but I observed nothing particular in her walk. When I went up to attend Mrs. Rodwell, deceased was left below, when she said she felt better. I do not remember seeing prisoner at that time, but I saw him in his pantry after prayers. His bed was in the pantry. Mary

Taylor slept with deceased, and two other maids slept in another bed in the same room. In the night Taylor, called me up, and I went into deceased's room, and found her sitting up in bed. She had on her night things, her flannel petticoat, and her stockings. She had something bound round the place, where, as I afterwards learned, the wound was, but I don't know what it was. She was very ill, and in great pain. She said to me, "Bishop, I am dying." I said, "O no, don't say so; but what is this blood in the bed?" She said, "O, then, my side is bursted." I sent for a surgeon. Mr. Rodwell came in soon afterwards, previous to which the prisoner had come in. The boy, who went for the surgeon, had occasion to go to him for the key of the door. I did not hear the prisoner speak, when he came in, but she said, "If all leave the room but Sally and Thomas (prisoner), I will tell what is the matter." We all left, except those two, and returned in a few minutes. Prisoner was coming out as I went in. Deceased was still very ill. The surgeon then came. A little time after, I went with Sally for the prisoner. When he came, he appeared pale and agitated. I afterwards saw him in the pantry, and he appeared very unhappy. Sally asked him how it was done? He said, that they were both in a violent passion; that she had taken a knife out of the tray and darted at him, and he, in order to frighten her out of the pantry, took a handful of knives out of the tray, and dashed at her feet. He asked me if I had seen a silk handkerchief? I said, "No;" and he then said, Squirrell had asked him for it, for she said she

was cut. He said, he had lent it to her. He had been twice up stairs to see if she wanted a doctor. I searched with him for the knife, but found none with the least appearance of having inflicted a wound. He said that no knives had been used in the parlour. I offered him some brandy, but he said, he did not want to drown his thoughts in drink. Sally was present part of the time. I then returned to the deceased's bed-room, and remained with her all night. I observed her black silk gown in the bed-room; it was cut on the left side above the hip, as were her chemise, stays, and slip. There was not a little blood on them. Squirrell lived through the Monday, and died on the Tuesday morning. She was a single woman, and the age on her coffin was 33. The prisoner came into her room occasionally.

Cross examined.—The pain in her side, which she complained of during the day, was in the left side. On the Monday morning, I asked her if she wished to see any one in particular? She said "Yes; a person by the name of Lovely." She had had a child by Lovely. Prisoner asked her what she could want to see him for? She replied, "Only to let him see what he has brought me to." The child was nine years old. I have heard her say, he would knock any one down who checked her about that child. When deceased was leaning on my shoulder, prisoner asked her what she intended to do with that knife she had in her hand—to stab him or herself? I don't remember her saying "herself." I cannot swear what she said, but I thought she said "myself." She expressed a wish on the Monday, that, in case she died, her body should not be opened.

Mary Wilson, upper nursery maid in the family, and called "Sally."—I was very intimate with the deceased. I observed that the prisoner was very much distressed and affected when he came in. The deceased told me she was dying, and I said "Oh no, we'll send for the doctor, and you'll be better." She then said, if they would all leave the room except Thomas and I, she would tell us what was the matter with her. They left. She said, as she was passing Thomas in the pantry, he was throwing a knife into the tray, and it caught her side. I asked her, whether that was the truth, and the prisoner shook his head, and said, "If I would follow him, he would tell me the truth." The other servants then came into the room, and, an hour and a half afterwards, Bishop and I went to the prisoner in his pantry. [The witness then detailed the conversation between herself, the prisoner, and Bishop, in precisely the terms in which the latter had spoken of it.] I heard her say on the Monday "I freely forgive him."

Cross-examined.—After I left the prisoner in the pantry, I told Squirrell all that he had told us, and she said, "That is the truth."

William Rodwell. — The prisoner, in October last, was footman in my family; the deceased was housemaid. On the morning after the occurrence in question, about four o'clock, I rang my bell, and the prisoner came to me. I asked him how the accident had occurred. He said, "We were both in a passion." I asked him in what the quarrel had originated; and he said about a tray, or a tray-cloth. He said she had gone into his pantry, and told him he had taken a wrong tray; he replied it was

no business of hers; other words passed; she struck him; and he said, if she did so again, he would throw the knives at her: she rushed at him, and he threw the knives at her feet. I asked him with what degree of force he had thrown the knives? He said, as hard as he could. I desired him to search for the knife, and he said he had searched every where, but could find it no where. I asked him how many knives there were in the tray, and he said four. I then desired him to fetch the remaining three, that the surgeon might see with what instrument the wound had been inflicted. He fetched them, and appeared extremely agitated. In two or three hours I saw the deceased in the presence of the prisoner. I begged her to state how it had occurred. She immediately asked me, "Will Thomas be hung, if I die?" I said, that depended on facts which I did not know; but that her statement and his did not agree. A paroxysm of pain then prevented her answering. I then left, and soon returned, and represented to the deceased, that Thomas had said they were both in a violent passion, and that she had struck him. She then turned to the prisoner, and said, "Thomas, did I strike you?" He replied, "No, but you had your hand on a knife at the time." She made no reply, but I think shook her head, as if she dissented. She said "I did not strike him;" and he answered, "You had a knife in your hand, and I thought you were going to strike me." My impression is, that she denied being about to strike him. After this I said to the prisoner, "Thomas, I am afraid you have not told the truth: you say that she struck you." He said

he was so extremely distressed and agitated at the time I asked him the question, that he did not know precisely what he had said. Afterwards I reduced to writing something the deceased had said to me. After I had written it, I read it to her thrice. This was about noon on Monday. She seemed to be under the strongest persuasion that she should die.

Cross-examined.—I asked deceased, if she thought Thomas intended to wound her? She said, "she did not think he did." I asked her, if he had any malice towards her? She said, "not that she knew of." He has lived with me three years, and his conduct has been unexceptionable.

Alexander H. Bartlett, surgeon.—I was called in on the Monday afternoon to see the deceased. She was in bed, and complained of a violent pain in the abdomen. I was informed that she had been sick, and that her side was burst, and was bleeding. I found a transverse wound midway between the top of the hip bone and the margin of the ribs, of an inch in length. I dressed the wound. There had been a considerable flow of blood, but there was none then. Prisoner said he had looked for the knife, but could not find it; and, on my requesting him to go out and bring in some like it, he went and fetched several. She died at half-past one after midnight on Tuesday. I did not probe the wound while she lived. After her death I opened her body, and found a knife lying nearly transversely in the body, with the point a little turned upwards. It had penetrated the stomach, and one of the small, and one of the large intestines. It had produced very extensive inflammation, which occasioned her death. I heard the

declaration made by the deceased of which Mr. Rodwell spoke. I heard it read over to her, and she approved of it. I signed it.

Cross-examined. — If the deceased had had the knife in her left hand, and intended to kill herself, and did inflict the wound, the knife would have lain as it did.

By the Judge.—I do not conceive it possible that the knife could have gone through the gown, petticoats, stays, and shift, and have been lodged in the position in which I found it, by being thrown. It is much more probable that it was thrust into the deceased.

Alexander Bartlett, sen.—Assisted in opening the body of the deceased. I do not conceive it possible that the knife, if thrown at the deceased, could have lodged where it did, after going through the clothes. I do not think it possible that the wound could have been inflicted by the deceased herself: if it had been, the point of the knife would have inclined more downwards.

By the Judge.—The knife in the body could not be felt from the outside. I do not believe it possible that the knife could have been so thrown into the body, whatever degree of force had been applied.

William Smith, constable, produced the clothes of the deceased, and the knife taken from her body. The latter was a common small cheese knife, with a sharp point and an ivory handle; its length about nine inches, of which the handle was about four. The handle was, in the thickest part, thicker than a man's thumb.

The declaration of the deceased, which Mr. Rodwell had reduced to writing, was as follows:—

“In the event of my death from the injury I received last evening,

I hereby solemnly declare, that the wound was inflicted by a knife thrown at me by Thomas Churchyard, and that I do not believe he was actuated by any feeling of ill-will or malice towards me; but that he was acting under sudden provocation that I might unintentionally have given; and I freely forgive him, as I hope in Almighty God to be saved through Jesus Christ.”

The prisoner, being called on for his defence, read from a written paper in substance as follows:—He and the deceased had been in service together for three years, and of late she had appeared greatly interested for him, and she at times indulged in violent words and in abuse of his wife; and wished to make a breach between them. On the Sunday before her death, after he had come from church, he found her in tears: he asked her why she was crying, and she answered him very coolly and suddenly. She soon after went out with a man named Bird, and when she came home, she saw that his hat had been removed; and, putting herself into a passion, she said, “Ah, I see how it is; you’ve been with your w—e of a wife.” We soon after went to hear the sermon in the parlour; and after supper, when deceased had removed the dishes, she came in to his pantry and began to quarrel with him about the tray he had taken in for supper. He said to her, “Get out of my pantry, you w—e, till you’re in a better temper.” As soon as he had said this, she came rushing at him with a knife in her hand, and he then took up his basket of knives and threw them at her feet, without any intention of injuring her, and solely with the intention of frightening her out of his pantry. She then left, and returned in

about three minutes, saying that she was cut. He said, "Where? In your feet?" She said, "No; here" (putting her hand to her side) and she then requested him to lend her his silk handkerchief, which he did, and he had never seen it since. They then all went into the parlour to prayers, and they all knelt down together. After prayers he saw her sitting by the kitchen fire, and asked her, if she was unwell. She answered, angrily, she was; and he then said, "If you be, you had better tell Bishop;" and soon after that she went to bed. When she had been in bed about half an hour, he knocked at her door, and asked "how she felt?" She said "she was better;" and in half an hour, he did the same again, but got no answer. Some time after he was called up by the boy who went for the surgeon, who told him what was the matter. He thought she had done herself an injury from what he had said to her about her being an abandoned woman, as he had often heard her say she would make away with herself if she was checked about the child. When he went into her room with Sally, she said, "You need not make yourself uncomfortable, as you have nothing to reproach yourself with." He said "he had," thinking of the bad word he had used to her; and then he told all about it to Sally and Bishop as they had stated. Afterwards, she said she wanted to see Lovely, that he might see what he had brought her to. He thought the Jury would see that it was impossible that the wound should have been inflicted as had been stated,—that she should have gone to prayers,—have gone out again,—and have continued so long to go about, if he had given

the wound. It was obvious that she wished to conceal the fact, as she would not have a light brought, or a surgeon fetched. He did not know what had become of the knife, until he saw it at the coroner's inquest, and heard where it had been found, when he knew he could not have inflicted the injury. This was the true story, as he hoped to be saved.

The Jury consulted for some little time, and then begged to retire, and, after about half an hour's absence, returned with a verdict of *Not Guilty*.

OLD BAILEY, JUNE 12.

Thomas Birmingham, aged 21, was placed at the bar, charged with the murder of Sarah Waite, otherwise Mary Anne Brown.

William Davis.—I am watchman. On the morning of the 14th of May, about four o'clock, I was at St. Mary Abbot's terrace, Kensington. I saw a woman lying on her face in the horse-road; she was quite cold and stiff. On turning her round, I perceived a wound on the left side. She was dressed in a dark cotton gown, and wore white gloves.

Mr. Henry Parkins.—I am a surgeon. On the 14th of May I saw the body of the deceased. Her death proceeded from a wound in the left side, which had been inflicted with a knife similar to one which was afterwards shown to me. The wound was from four to five inches in depth; the knife penetrated the heart, and must have caused almost instant death.

Elizabeth Price examined.—I knew the deceased; her name was Waite, but she used to go by the name of Mary Anne Brown. She

was an unfortunate female. I lodged in the same house. I know the prisoner, and have seen him in company with the deceased. The pin now shown to me I saw the deceased take from the prisoner. This was about a fortnight before her death. I went out with the deceased on the 13th of May; she had the pin with her; it was with the intention of restoring it to the owner. We walked towards Knightsbridge barracks. I parted with her at the Half-way-house about ten o'clock. The next day I heard of her being murdered, and went before the magistrates at the workhouse. Mr. Sketchley asked the prisoner, if he knew Mary Anne Brown, or Waite? Prisoner said, he did not. He was then asked if he knew Mary Anne, who had lost an eye? He hesitated, and then said, "No, I do not." I was standing before him at the time, and said, "This is a serious circumstance, speak the truth." He then said, "I have a recollection of her." There had been such intimacy between the prisoner and deceased, that he must have known her well.

Cross-examined.—The pin was in the deceased's cap, after she was found dead.

William Bennett examined.—I was sent by Mr. Sketchley to the barracks, to tell the prisoner that he was wanted at the workhouse; this was about three o'clock in the afternoon; the prisoner said, it was impossible for him to go, he could not leave his master's horse; and when his master went to the club-house he was obliged to attend him. I said, "You had better go;" he replied, "I cannot." I said, "Then shall I say, you will not go?" He afterwards asked me, what he was wanted for. I told him to account

for where he was last night. He turned round and observed, "I do not know any thing about the murder;" I had not mentioned the murder before this.

Cross-examined.—The whole neighbourhood was in alarm during the morning, and he must have heard of the murder.

Richard Trevett.—I am one of the foot patrol. I saw the deceased about two o'clock on the 14th of May; she was walking along the road in company with a young man, who appeared to be a gentleman's servant; he wore a plaid coat, and had a cockade in his hat: he appeared about five feet three or four inches in height. At the time I passed, I heard the deceased say, "Do you mean to serve me so?" They were walking arm in arm. I did not see the deceased again, until after the murder; I then said I did not think the prisoner was the man that was walking with the deceased. I asked him, if he wore a cockade. He said, "I never wore one." I found out at the barracks that he had a hat with a cockade; and when it was put on him, I thought he more resembled the man I had seen the previous evening, but I was not then, nor am now, certain he is the same.

Cross-examined.—I thought the man could not be more than five feet three or four inches. The prisoner is five feet eight inches.

William Chichester Reynolds examined.—On the 17th of May I found a knife, 44 yards from where the murder was committed. [Witness here produced the knife—it was a common case one.]

William Leigh examined.—I am a prisoner in the New Prison, Clerkenwell, on a charge of felony, and I was in prison at the time Bir-

Birmingham was brought in. I had a conversation with the prisoner during the time he was smoking a pipe of tobacco. The next morning we were walking together in the yard, when the prisoner said, "This is a terrible job." I said, "You left a penknife in the lodge as you came in, which appeared stained with blood." He replied, "No, that is rust." I then said, "The girl was not murdered with it?" He replied, "No, she was not." I then asked him, how it was that the deceased had half-a-crown in her hand? "I know that," said he, "but, so help me God, I did not give her any money that night."—"How do you account," I asked, "for the pin being found in her cap?"—"Oh," replied the prisoner, "I shall not own it, and no one can prove that it belongs to me." I told what had passed to Mr. Kilsby, the governor. I afterwards spoke to the prisoner on the subject, and he told me he was in the habit of getting over the barrack walls at all hours of the night. I then asked him if the murder was committed with a bayonet? "No, it was not," he said; "and they are not likely to find out what it was done with." At a subsequent time, when he was asleep, he started up suddenly in the night, and exclaimed with much agitation, "By Jesus I have done it Mary." I asked him what was the matter: he replied, he was only dreaming. On Saturday night we agreed to club for a newspaper; Birmingham refused to join us. On the Sunday morning one of the prisoners said, "Why, Birmingham, here is your case in the paper," when he appeared very much agitated, and his countenance changed; when he was taken to the office for re-examination, he

said that he hoped the saddle would be put on the right horse.

Cross-examined.—I have gone by several names. At the time I was circumcised, my name was Wolfe; I was tried in 1816, for stealing 67 yards of cloth, but was honourably acquitted. I was subsequently tried on several other occasions, and acquitted.

This was the case for the prosecution.

Mr. Baron Hullock.—Prisoner at the bar, this is the time for you to say any thing you may wish in your defence.

Prisoner (with the greatest composure).—I leave it all to my counsel.

For the prisoner the following witnesses were called.

Lieutenant Ives, of the 15th regiment of Light Horse.—The prisoner has lived with me as a servant three years; he had always borne an excellent character. On the 13th of May I sent the prisoner out about 7 o'clock; at 11 o'clock I went to a ball; when I returned I believe the prisoner was at home.

—Davis, landlord of a public-house opposite to the barracks, deposed that the prisoner was at his house on the 13th of May: he left about 9 o'clock, and returned again at 11; he went away a second time about half past 11 o'clock; he appeared quite cheerful.

John Bryant.—I am a private in the 15th regiment. I know the prisoner. On the night before the murder, I saw him about half-past 11 o'clock; he was then coming out of his master's room. He asked me if he could get a light. I afterwards saw him go up stairs to his bed-room. I was on guard until one o'clock, when I was relieved. I came on guard again about five o'clock. I saw the pri-

soner come down stairs the next morning, and go to the stables. He could not have left his room during the time I was on guard without my seeing him.

Cross-examined by Mr. Adolphus.—When the prisoner came into the barracks he wore a hat with a cockade, and a jacket similar to the one he now has on. That part of the wall, which could be got over, was not within sight at the time I was on guard.

Thomas Duckworth.—I am a private in the 15th regiment stationed at Knightsbridge. I relieved the last witness on guard. My time was from one to three o'clock. I think, if the prisoner had been in the barracks, he could not have left without my knowledge.

Jonah Bradley, another private in the same regiment.—Was on duty as sentinel on the 13th of May, and relieved the last witness at three o'clock. The witness said, he knew the prisoner's sleeping-room, and he might certainly have left the barracks without being perceived. He did not see him go out.

Daniel Davis, serjeant in the 15th, examined.—I remember on the 14th of May, about a quarter before six o'clock, I saw the prisoner come down stairs from his bed-room: he was not at the time quite dressed; he had part of his clothes in his hand, which was his usual custom. I have known him five or six years, and always considered him a remarkably mild, good-natured man.

Several witnesses swore, that the witness Leigh was not to be believed on his oath.

The Jury, without retiring from the box, returned a verdict of *Not Guilty*.

OLD BAILLY, JUNE 18.

(Before Mr. Baron Hullock.)

James Butler, aged 20, was put upon his trial upon an indictment charging him with wilfully and maliciously setting fire to a certain building, the property of George Downing and others, at Chelsea.

Mr. George Downing stated, that he was a floor-cloth manufacturer, and was in partnership with his father and brother; the prisoner was in their employ in the year 1824, and continued their servant until September last, when he was discharged. He saw the prisoner once on Sunday, 17th ult.; he was using exceedingly bad language to one of their workmen near to the premises; the factory was safe on the Sunday morning. On the previous Saturday there had not been any fire or light in the factory, nor for a fortnight before; the premises were valuable, and not insured; some of the lower tier of windows were open; the doors were locked. He was one of the first that discovered the fire; it happened about two o'clock on Sunday afternoon; he went to the spot, and the premises appeared to be on fire in two places, about forty feet apart. There was a carpenter's shop adjoining the stables, quite detached from the factory. This building was also on fire. There were no combustible materials in the place. There was a very ferocious dog on the premises, which knew the prisoner well. After the examination of the prisoner at the police-office, the witness found a quantity of matches on the factory floor; they were partly covered with mould, but were not phosphorus matches. Henry William Russell stated, that he was twelve years of age;

on the day Messrs. Downing's manufactory was on fire, he was walking in the King's-road, near the premises, and saw a person inside the palings: that person was the prisoner; he had not known him before; he had on a blue coat and trousers; when he saw him, he was running very fast towards the stable at the back of the manufactory; when he got to the stable he stopped, and witness went on to Smith-street, where he turned round, when he saw the prisoner get over the palings into the road, and start off very fast towards Blackman's-lane; in about ten minutes after he had gone away, the fire broke out; witness afterwards gave a description of the person to an officer, before the prisoner was at the police-office; he pointed him out himself.

Cross-examined—Was at Queen-square office when he pointed him out; he was standing at the bar at the time.

Mr. George Downing.—The windows that were open were seven feet from the ground, and the palings were five feet high.

Isaac Ryde, a carpenter, lived near Messrs. Downing's factory. On Sunday, the 17th of May, about a quarter past one, he saw a man leaning on the bar which excludes carriages from passing along the private road; there was another man with him, who appeared much agitated; that man was the prisoner. In about half an hour after, he saw the prisoner spring from the palings, and run away in the direction of Blackman's-lane; in twenty minutes after the fire broke out; it broke out first over the folding-doors, and afterwards in the stable.

James Jackson knew an alley running to Blackman's-lane, and

recollected the fire at Messrs. Downing's. He was in the alley about two o'clock, and saw a person running fast through the alley, with the skirts of his coat under his arm. To the best of his belief the prisoner was the person; he could not positively swear to him.

James James was eleven years of age, and lived at Mr. Sellers', the chymist, No. 9, King's-road. Remembered the fire on Sunday. On the day before, he saw two little girls in his master's shop; they came to purchase a fire-box, which was served them; he saw them leave the shop and go towards Mr. Downing's premises; he afterwards saw the same two girls at Queen-square office, and pointed them out to Mr. Downing.

Wm. Graham was groom to Mr. Downing; on the Friday before the fire he was at work, watering his master's garden, when the prisoner passed; he said as he went along, "Water away you —, you shall want plenty of water soon."

William Poole apprehended the prisoner at about half-past three o'clock on the day of the fire. The boy, Russell, had given a description of him to witness. On the Monday morning the boy saw him in the watch-house, but did not point him out. When he told the prisoner that he had instructions to apprehend him, he said "D—n or Dal, if I did not think so."

The prisoner, on being called upon for his defence, said, he was perfectly innocent of the charge, and had witnesses to prove it.

William Butler.—The prisoner was his brother, and had lately entered into his majesty's service. On the day before the fire he was with the prisoner at his father's house, opposite Mr. Downing's; they left

about five, and went to the Six Bells public-house, and remained there till ten o'clock at night. They then went to his brother-in-law's, and supped there; the prisoner slept there that night. Witness saw him again at eight o'clock next morning (Sunday) with his brother-in-law. Again at ten he saw them, and all three went into the Park to hear the band; after that they went into Hyde-park, where he left his brother about twelve. At ten minutes after one o'clock he met him on Chelsea common, and dined with him and several others of the family. They did not get up from dinner till the alarm of fire was given, when the prisoner got up and ran towards the spot. The prisoner never left his company from ten minutes after one till the alarm of fire was given.

Samuel Dickens, brother-in-law to the prisoner, corroborated the evidence of the above witness.

Mary Butler, wife of the first witness, William Butler, swore that the prisoner dined at her house on the Sunday. He came at ten minutes or a quarter past one, and remained till the alarm of fire was given.

Mary Butler.—I am the prisoner's sister. I came here to-day from my father's house. I went there on Monday evening. I had been in the Chelsea national school up to that period. I know the shop of Mr. Sellers, the chymist. Had bought cream of tartar there for my father, but never bought a fire-box there. I was not at Mr. Sellers's shop on the Saturday, neither was my little sister. I dined at my brother William's on the Sunday of the fire. My brother James was there. He was never out of the room from the time he came until he went away.

Cross-examined by Mr. Brodrick.—I am sure that neither my sister nor myself were at Mr. Sellers's on the Saturday.

The boy James was then called up, and swore that he saw the witness at Mr. Sellers's shop on the Saturday.

Mary Butler re-examined.—I am positive I was not there on that day. I never said to my school-mistress that my brother William waited dinner for the prisoner.

Mr. Adolphus.—That is my case, my lord.

Mr. Brodrick then called

Elizabeth Perry, mistress of the Chelsea national school.—The little girl, Mary Butler, told me that they waited dinner ten minutes for the prisoner on the Sunday. The little girl Bessey said, that Mr. Sellers gave her a box on the Saturday.

Mr. Sellers, the chymist.—The boy James James is in my service. I remember two little girls coming to my shop on the Saturday. One of them asked for a phosphorus box. I had not one by me, and sent the boy James out for a couple. When he returned with them he delivered one of them to one of the little girls. She paid 6d. for it. I am not positive that the girl now present was one of the two girls who came to my shop.

The jury, after considering a few minutes, found the prisoner *Guilty*.

The prisoner, on being removed, exclaimed, "You have found an innocent man guilty."

He was executed.

HIGH COURT OF JUSTICIARY.
JULY 14.

Trial for Poisoning.

John Stewart, blacksmith, and Catherine Wright, or Stewart, were

put to the bar, charged with having, on the 15th Dec. last, on board the Toward Castle steam-boat, on the voyage from Inverary to Glasgow, administered to Robert Lamont, merchant and farmer, a quantity of laudanum, mixed up with porter or ale, in consequence of having drunk which the said R. Lamont lingered in a state of utter insensibility until the morning of the 16th day of December, 1828, when he died; and also with stealing from the person of the said Robert Lamont, a black leather pocket-book, ten one-pound notes, a two-pound note of the Leith bank, and seven guinea notes, some silver money, and other articles, being the property or in the lawful possession of the said Robert Lamont: As also, time and place aforesaid, with having administered to John Lamont, and Catherine M'Pate, or M'Phail, and Margaret M'Phail, a quantity of laudanum, with intent to murder or produce stupefaction in the said persons, and thereafter to steal their property; and the said persons having drunk of the said poisonous mixture, were grievously injured, and seized with severe sickness and vomiting.

John Lamont.—Knew Robert Lamont, who was his second cousin, and was betwixt 50 and 55 years of age. Witness accompanied him part of the way from home to Glasgow, about twenty days before last new year's day. Robert Lamont was then in good health. He went to Glasgow to purchase goods, from Lochgilphead, on board the Toward Castle steam-boat. At the Kyles of Bute went below with the deceased. The Panels came on board at Bute, not at Lochgilphead. Katharine M'Phail and a lassie were also

there, in a small place near the steerage. Nobody was there when witness and Robert Lamont entered. Panels came in soon after; they first looked in; when deceased desired them to come in, they came. Witness went on deck, and left deceased and panels; no other person was with them; remained on deck a good while; heard bell often ring; deceased came up and said "I have fallen in with fine company; you had better come down and join them." Found only panels—sought porter and strong ale; got ale. Robert thought it dear at 9d. per bottle, but Mrs. Stewart ordered it—Robert paid it—Witness paid 4d. and Mrs. Stewart went on deck for another bottle; she came down with that bottle; witness went on deck and left them. Arrived soon after at Greenock. Robert inquired for Stewart's wife; did not see her; went down, and Mrs. Stewart soon came in. Mrs. Stewart brought in another woman (M'Phail). Only one tumbler was used among them. Whenever M'Phail tasted the ale, she said she never tasted such bad liquor. Stewart said, he would drink the whole, but his wife would not let him, and spilt the tumbler on his breast. Mrs. Stewart coaxed deceased to drink another tumbler, saying, "This is your drink—drink some of it." Went on deck again, leaving the deceased and panels—continued on deck till the boat got to Paisley water; went down for Robert to go ashore together; found him alone and in a state of insensibility, sitting with his head between his knees, not able to move any member of his body. Suspected people had robbed deceased; felt his breast for his pocket-book, but it was not

there. After leaving home, saw Robert have money in his pocket-book, when searching for a letter with money in it. He had a bundle of notes, more than 10*l.* or 12*l.* After lifting up his pocket-book (identified), he replaced it with the money in his oxter-pouch. Knowing that Robert had money on him, and missing it, witness got into a great passion, and went and told the captain. Robert was quite insensible; went down again and found him in the same state. When examining Robert's person for his pocket-book, the woman said, he should not do so. Captain and witness searched and found the pocket-book between Robert's feet, and a number of letters scattered about, but no money; his pocket was so strait the book could not have fallen out; panels and M'Phail were taken down to the cabin; Stewart admitted he had been in company with Robert, and said, he was a very good companion till he got drunk. Captain inquired, if Stewart had any money; said he had nearly 20*l.* Stewart took out money and laid it on the table, and also a black purse; there was 19*l.* 7*s.* We arrived at the Broomielaw about five or six in the evening; surgeons were sent for; three came; Robert died next morning at half-past five, on board the steam-boat. Witness was very ill at night; sick, severe gripes in his bowels. Conjectured that deceased had been poisoned.

Elizabeth M'Phail.—Came to Glasgow from Tarbert in December last, about Christmas, by the steam-boat. Saw panels on board the steam-boat. Catharine Stewart invited her to go and get a dram, but she declined, but being much urged, she went afterwards. Went into a small room near the steer-

age, where the deceased, and the former witness, were sitting. Stewart called for a gill, and went on deck. Prisoner (Stewart) came three times for witness, and at length witness went back again—she tasted the ale—it was very bitter—never tasted such strong ale in her life! That in the bottle was not so bitter as what was in the tumbler. She tasted some on her palm. Stewart urged witness to drink what was in the tumbler, and said, “D—n my soul, but you shall drink every drop!” Witness drank a part, and gave the rest to a little girl. It had a bad bitter taste. Witness drank part of the tumbler, which she at first refused—she drank whiskey first, and then a little ale. Saw deceased drink of ale which witness had tasted. When the prisoner, Stewart, was about to drink out of the tumbler, the other prisoner would not let him, but pulled the tumbler from his head, and spilt the ale on his breast. When betwixt Dunoon and Greenock, witness felt herself very ill, and the little girl was also very ill, about an hour after drinking the ale—has not been well since. Female panel told witness, that she and Stewart had no money, till Stewart had sold his watch for 1*l.* to carry them on their way.

Margaret M'Phail (a young girl eleven years old).—Mrs. Stewart, when she put the porter into a tumbler, took a little of it, and then put the tumbler under her mantle, and afterwards set it on the table and filled it up with Ale. Mrs. M'Phail drank some of it and gave the rest to witness, who drank it—was ill very soon after, before Mrs. M'Phail, and continued ill—was quite well before.

Cross-examined.—Did not see

Stewart put any thing into the glass.

John King came to Glasgow in the steam-boat along with the Lamonts. A woman told witness that there was a man in the small room very ill, who, unless he got assistance, would choke. Witness went into the room, followed by the woman, and another woman and child. The man was in an indescribable position; his limbs refused to do their office. He went to the captain, and desired him to attend to the man. Saw the female prisoner on the deck, whom he noticed for her levity. She brought the other prisoner out of the water-closet. Described the measures taken to get prisoner searched, when panel produced his money to captain. Witness saw him take something black out of his waistcoat pocket—afterwards found a black purse on the floor, and, seeing nothing in it, threw it carelessly aside.

William Stewart, captain of the Toward Castle.—Prisoners were passengers from Tarbert to Glasgow, on the 15th December last; paid their fare, but for some time haggled, and said they had no money. Witness corroborated John Lamont's testimony as to his being called down to inquire about Robert Lamont's condition; went down to the small room in the steerage; found Lamont; the old man had slipped down from his seat on his knees, in a state of insensibility. In lifting him up, saw the pocket-book in a corner of the room. Letters were lying scattered about, but no money; went up for the prisoner on deck; took him down—he manœuvred as if tipsy, but witness did not think he was. Stewart showed a pocket-book, containing 19*l.* 7*s.*; among which was a two-

pound note. Saw a black purse drop from prisoner; John Lamont said it was his friend's purse. All the ale on board was of the same quality, and he never heard any complaints.

Catherine M'Corquodale was on board the Toward Castle when the prisoners and the deceased were there. Heard the female say, "If any thing comes over this man, you will be blamed for it"—upon which the male prisoner, gave her a dunch, and she held her tongue.

Euphemia M'Phail, widow of the deceased.—He took 13*l.* from home, and got 2*l.* on the way, and one sovereign; there was a 2*l.* note among the money. She identified the 2*l.* note and pocket-book.

Catherine Lamont, the daughter of the deceased.—Her father had a black silk purse, which she made for him: identified the one shown to her. She did not see her father take the purse with him, but he never left home without it.

David Cook, engineer on board the steam-boat.—Saw a black purse drop from prisoner in the cabin, and afterwards lifted it up. Saw female prisoner with a bottle of strong ale on deck. Saw the female prisoner ordering Mrs. M'Phail to go and drink.

— M'Pherson.—I searched the person of Stewart. I found bottles in his great coat pocket. One of them had a strong smell of laudanum.

Dr. Corkindale examined the body of Robert Lamont along with Dr. Fleming. He examined the contents of the stomach along with Dr. Ure, and found a strong smell of laudanum. A bottle of ale which was brought from the Toward Castle, had no smell of laudanum, but when laudanum was added, it had the same smell

as the contents of the stomach. He believed that the man died of the effects of laudanum.

Dr. Andrew Ure was present, and assisted at analyzing the contents of the stomach. Laudanum formed a part of the contents of the stomach. He believed that the man died by the effect of the ale aggravated by the laudanum.

Malcolm Logan, prisoner in the tolbooth of Edinburgh.—I was in gaol with Stewart. He talked of his own case to every one who came in. We asked what had brought him in? He shook his head, and said nothing. He told us afterwards that he had been at Campbleton, and that he and his wife had gone to Tarbert. He then fell in with a smuggling woman, who was drinking coffee. An excise officer came in, and she changed a note to him, and she put it among a number more. His wife said she would do (rob) that smuggling woman, if she could, while on their passage to Glasgow. They went on board the steamboat, and when they took down the woman to give her a dram, there was a Highlandman and his friend drinking. He went in and sat down with him, and gave him a knife in a present. After having had some spirits, a bottle of ale was proposed, and Mrs. Stewart put in laudanum and handed it to the people. He did not say how much she put in, but he said if the man's friend had taken as much, he would have been killed too. He took out the pocket-book, and found in it about 20*l*. The pocket-book was so large he could not get it again into the same pocket, and he threw it from him. He said the wife had the laudanum in a square bottle. He got the bottle from the wife, and went into a water-

closet and put water into it; but still, as a small cork remained in the bottom, it had a strong smell of laudanum. He said he carried the laudanum about for the purpose of *giving the doctor* to any one he fell in with. He said that by "*giving the doctor*," he meant that he would give it to any person who had money about them, and, having set them asleep, he would rob them.

Archibald Anderson, another prisoner, but not tried, corroborated the evidence of Logan.

Gruer M'Gruer, criminal officer.—I took the prisoner Stewart from the Bridewell to the Council Chamber, in Glasgow, on the 12th March. He asked me, when on his return to Bridewell, if the evidence of two persons who were confined with him in the same ward, would be taken? He said he had been very foolish in telling his mind, and if the evidence of those two persons was taken, he would be done.

The jury brought in a unanimous verdict, finding the prisoners *Guilty* of the crime of murder and robbery.

On the 19th of August they were executed.

WINCHESTER, JULY 30.

John Stacey, the younger, was placed at the bar, charged with the wilful murder of Samuel Langtry, at Portsmouth, on the 1st of March last; and John Stacey, the elder, with feloniously receiving, harbouring, and maintaining him, well knowing that he had been guilty of murder.

Mrs. Dyatt.—I live at Portsmouth, and knew Langtry and his housekeeper; they lived in Pros-

pect Row, Portsmouth. Mr. Langtry was between seventy and eighty years of age, and nearly crippled. I used to assist in putting him to bed, and in getting him up in the morning; he usually went to bed about seven or eight o'clock; his housekeeper usually remained up hours after him; there were four rooms in Langtry's house; Mr. Langtry usually slept in the back bed-room, and was wheeled in his chair into the front room, where he took his meals; the last time I saw him and his housekeeper alive was on a Sunday morning, at a quarter before ten o'clock, when I was at his house according to my usual custom; I did not go back to the house till about six in the evening; I then found the door bolted. I went again about seven o'clock, and made a rattling noise at the door, and called Charity Joliffe, and asked her why she did not let me in. I did not see any light at all. I waited half an hour, and then went away, and kept going on and off till nine o'clock. I went five times in all. The front door was generally bolted on Sundays, but not on other days. On the Monday morning I went, but could make no one hear; I then went to Mr. Hendy; I never knew that Mr. Langtry kept any money in his house; I knew that the younger prisoner used to shave the old man; on the Saturday preceding the murder, Stacey, jun., was shaving him.

John Cuddamore.—I am an apprentice to Mr. Linnett, a file-cutter. Stacey, jun. used to sleep at my master's. On the 1st. of March, between two and three, I went with him to Portsmouth, to a Mr. Price's house. He is a bookseller. We went to buy a Book of Martyrs. It was a bill, and

cost a penny. I bought the book for him. I asked him for the penny; he said he had no halfpence, and he would give me sixpence when he got some money. I went with him to his father's house. Stacey carried the book. We arrived at his father's between three and four o'clock. We took some tea there. Stacey gave the Book of Martyrs to his father to read. We finished tea between five and six; after that Stacey parted from me; he left the house; I asked him if I should go with him, and he said, no; and also said, "what row I get into, I may be able to fight my way through without you;" he said he wanted to show the Book of Martyrs to a person, and should get some money for it. When he left the house, he was absent above two hours; his father, mother-in-law, and the children were there. I remained in the house the whole time he was gone, till he returned; he came back in about two hours; he knocked at the door; I opened it; he ran quickly across the room, and called his father, and went up stairs. He said "Father, I want to speak to you." His father followed him; he was up stairs about a quarter of an hour; at the end of that time, they both came down stairs and went into the kitchen; I heard water splashing as if some one were washing; they were both then in the kitchen. In a few minutes the father came in alone into the room; he gave me a shilling, for me to get some bread and cheese. I went and got the bread and cheese, and was absent nearly half-an-hour; when I returned Stacey, jun., was at the fire-side with his shirt off, he had his coat across his shoulders; there was a fire, and a shirt was drying. There was an

iron on the fire, with which the shirt was ironed, and Stacey then put it on. Part of the shirt had been washed; the wrists had been washed. I saw Stacey, jun., in the afternoon, before tea, sharpen his knife on the steel; it was a razor-bladed knife, with a kind of horn handle. I partook of the bread and cheese with the others. Stacey left his father's about half-past nine o'clock; we then got supper, during which he said he had been a fighting, and that his nose had been bleeding. He showed some blood to me, on the trousers, below the knee, the instep of the stocking, and the shoe. During that night I was not with him at any quarrel or fight.

James Hendy.—I know the younger prisoner; he has shaved me, and we have had many conversations; he told me on one occasion there had been some misunderstanding between him, Langtry, and Joliffe, about some money which was missing; he said he understood there was a bag of money in Langtry's house with 600*l.* in it. On the Monday morning, I went to Mr. Langtry's house; the door in front was fastened, and I went to the back yard and got over the fence; the kitchen door was wide open; I went into the back lower room, and into the kitchen; saw Charity Joliffe lying dead, her throat cut, and covered with blood. Langtry was lying in the back room up stairs, with his throat cut. There was a box open, and some deeds, papers, spoons, and gold, scattered about. In the lower back room there were some drawers, but they were locked, and nothing had been disturbed there.

William Payne.—I was in prison for a violation of the Custom laws. Stacey was put in the same

cell with me, I asked him what he was put there for? He said, he was taken on suspicion of murder. On the 17th of March I saw him again, and said his father had told where the money was; he said this is worse than all,—it is a done job. He sat down on one of the chairs, and asked me if I would sit alongside of him. He said I suppose you have heard all about the murder; I said I had not heard further than from the people coming in and out of the prison. He said I will tell you all; he said he did not do it himself, it was another chap; this chap told him how he did it: he said he got in over the pales and into the back door, and saw the old woman coming down stairs with a candle and candlestick in her hand, and he caught her by the throat with one hand, and threw her down, and got the candlestick from her hand and beat it about her head, and beat it double; he beat her about her head with a brush till the handle came out, and he broke the handle in three pieces on her head; in his scuffle with her he lost his knife; then he went up stairs to the old gentleman, and he caught him by the collar and asked him for his money; the old gentleman struck him once or twice with his stick, and told him to go about his business; he caught hold of him, and then he let the old gentleman go; the latter fell out of the chair; he looked round the room and saw a hammer; and then he beat the old gentleman on the head and left him for dead! he then put his hand into the old gentleman's pocket and took out a bundle of keys, and tried two of them to unlock a chest, and neither of them would do. He then got a third one, which opened it, and he lifted up the till and saw a roll of

notes. He took them up, and under the notes was a basin with some gold in it, and he went away out of the house with it. He said he went down stairs, and saw the old woman struggling in the room below. He searched about and found his knife, and cut her throat. He then went back again up stairs, and cut the old gentleman's throat. He said he met the chap in the High-street, Plymouth, and they went over the mill-dam, and this chap gave him what money he thought proper. He did not say how much. He said, he then went home; but when he went he did not know. I asked him how the chap knew which way to get into the back of the house. He said, "I told him, for I had been there before" He said he shifted clothes with the chap in Camden-alley. He said while he was cutting the old lady's throat, some person knocked at the door.

Thomas Hill.—I am turnkey at Portsmouth; I took charge of the prisoner, and put him in the cell, and stripped him; there were marks of blood on the clothes; I asked him, whether he wore them on the Sunday week; this was on the Monday; he said he did, for he had no others; I had heard him the day before say to the Mayor of Portsmouth, that he was in the mill-dam, and tossed up with the man who should commit the robbery; I asked him, where he was, when he tossed up which should have the money? He said he did not; they tossed up who should go to the house. He said, I will tell you the beginning of it; he then sat himself down on the stool, and said,—“on the night of the murder, when I left my father's house, I went to Camden-alley; I met a young man; we went together to

Key-gates; we tossed up which should go into the house; as the young man was to go in, we exchanged clothes under the arch of the Key-gates, which is about a quarter of a mile from Camden-alley. He told the young man to be as quick as he could; the young man went to the house and I returned down White Hart-road into High-street; I afterwards met him in High-street; we then went to the mill-dam, and there we exchanged clothes again, and the young man gave me the money.” That was how the blood came on his clothes. After he got the money he took it to his father's house and put it into a little box, and put it into the dung heap, and did not know but that it was there now. He said he could not tell who the young man was, for they had kissed the Bible not to tell of each other. On a subsequent day I showed him a box, and asked him if that was the box? He said it was, and that it was the same box that had been put into the dung-heap.

Edward Hunt examined.—I am gaoler at Portsmouth. On Monday, the 9th of March, I went to apprehend Stacey. Stacey was standing at a door; he disappeared; we ran but could not find him in the front room; but in a back dark room we pulled him out, and took him to the Shipwright's Arms. I searched him, but found nothing; he was taken before the Mayor, and asked where he got the money he had been spending. He said he had saved up 4*l.* 5*s.* 4*d.* at different times. I had a conversation with the elder Stacey; on the 13th of March he went with me to a lane about two miles from Portsmouth, and on the right hand side, a little way up, he pointed out a piece of

turf, which I took up and found a hole, and in that hole something tied up in a blue handkerchief; I found it to contain bank-notes, gold, and a silver-watch, in the whole to the amount of 630*l.* odd.

Mr. Read examined.—Stacey, jun. bought some seals of me on the Friday after the murder; he paid me on the Monday following a sovereign, and had twelve pieces of gold more; he offered me first 7*s.*, and went on to 13*s.*, I only having asked him 12*s.* 6*d.*

Ann Ingram examined.—I know the prisoner Stacey, jun.; on the 9th of March I went with him to a public-house, he paid for four pints and a half of gin; he had got some sovereigns; he went to Portsdown; I saw the officers coming, and said to Stacey, “here is Hunt coming.” He looked out and said, “If Hunt is coming, I am done, by G—d.”

William Downer, the young man, who the prisoner said was the person who committed the murder, was called, and he satisfactorily proved that he was at the Antelope public-house from six o'clock in the evening (the supposed time when the murder was committed) until about ten o'clock.

In the course of the examination the Judge directed the father to be put back into the dock; and the remainder of the evidence, which implicated him, was not gone into until the younger prisoner's case was finished, that he might not be prejudiced thereby.

Mr. Justice Burrough summed up, and the Jury, almost immediately found the son *Guilty*. He was then removed, and additional evidence given, which proved the crime imputed to the father, against whom the Jury brought in a verdict of *Guilty*.

Both prisoners were then placed

at the bar and sentenced in the usual form—the son to be executed, and the father to be transported for life.

LEICESTER, AUG. 17.

(Before the Lord Chief Baron.)

Trimmer, Clerk, v. Lord Huntingtower.

The Rev. Henry Trimmer was the plaintiff, and Lord Huntingtower the defendant. The declaration stated that the defendant had committed several nuisances, to the great injury of the plaintiff; to which the defendant pleaded that he was not guilty.

Mr. Denman opened the plaintiff's case, and then adduced evidence of the following facts:—

The plaintiff, the grandson of a lady of some celebrity in the literary world, resided, previously to the year 1823, at Newdigate, in Surrey, where he had a curacy, and was the proprietor of a respectable school. In the course of that year, he was presented by the duke of Devonshire to the living of Buckminster, in Leicestershire, and shortly afterwards took possession of the vicarage house, which is near the paling of the defendant's demesne. As soon as lord Huntingtower heard of his arrival, he drove to the vicarage-house in his carriage, and had an interview with a brother of the plaintiff's. His lordship stated, that the duke of Devonshire had recently exchanged the right of presentation to this living with him for another advowson, and therefore proposed that the plaintiff should also exchange his living for one the income of which was 20*l.* or 30*l.* a-year greater. To this Mr. Trim-

mer replied, that he did not think his brother would agree to that proposal, because the living mentioned by his lordship was, he understood, situated in an aguish part of the country. His lordship then proposed taking a lease of the glebe-land, and of some small tithes; Mr. Trimmer told him he would submit his proposal to his brother's consideration. On the next day, or the next day but one, lord Huntingtower again drove to the vicarage, when Mr. Trimmer told him that the plaintiff declined to let the land or tithes, as he meant to reside at the vicarage. His lordship observed, that the vicarage house was too large for a man of his income, and would consequently ruin him, if he resided in it. Mr. Trimmer replied, that perhaps his brother might obtain leave to let the house to some gentleman for the sporting season, whilst he resided in a small one himself. "No," said his lordship; "no gentleman will live near me."—"Or perhaps," added Mr. Trimmer, "my brother may increase the number of his pupils, and bring them here to reside."—"He shall bring no pupils here," observed his lordship, and added that he should take measures to prevent him. Mr. Trimmer said, his lordship would of course do what he pleased, but if he acted illegally his brother, would certainly seek redress. To which his lordship replied there was nothing he should like better than to engage him in a law-suit. He had already beaten the corporation of Grantham, and afterwards the duke of Rutland, at law; and it was therefore not very likely that the plaintiff could stand against him, for he would willingly spend 10,000*l.* upon a law-suit with him. There the matter rested, and the plaintiff

went back to Surrey. In the month of September, in the last year, he came down to Buckminster to reside permanently, and was accompanied by two pupils, Mr. Brown, a young gentleman from Ireland, and Mr. Dalton. In two or three days after their arrival, the young men were amusing themselves by firing with a small pistol at a target, in the plaintiff's field, through which there ran a public pathway. The defendant drove in his carriage as far as his steward's house, which was about one hundred yards distant, and sent his servant to desire the young men to desist from firing. Mr. Brown replied, that they were on Mr. Trimmer's land, and they would do as they pleased. His lordship then drove up to the house, and called out to Mr. Trimmer, "I'll have no shooting here from those d—d boys;" upon hearing which Mr. Brown replied, "D—d boys! You scoundrel." Lord Huntingtower then observed, "You'll see what I shall do to-morrow," and drove away. On the following day, his lordship's workmen commenced erecting a pinfold in a field immediately in front of the plaintiff's house, at the distance of about thirty feet from it. As soon as three sides of this pound were built, a bull was turned into it, which was only shut in on the fourth side by the paling of Mr. Trimmer's lawn or foreground. To this animal, cows were brought daily, generally about the hour of three o'clock in the afternoon. A male ass was also put in, and she asses were led to it, even on Sundays, about the time when the afternoon service was over. For some days after the last-mentioned conversation had taken place, Mr. Trimmer and his two pupils continued to amuse

themselves firing at the target, Mr. Dalton occasionally using his gun instead of a pistol; but the firing was discontinued on the 12th of November, after which day none took place, at least with Mr. Trimmer's knowledge. In the mean time various modes of annoyance were resorted to by the defendant. He drove almost every day in his carriage to the front of plaintiff's house, and stopped there for a quarter or half an hour, either giving directions for what was going on, or threatening to add to the stock of nuisances. He had a sign erected in front of the pound, on which was painted "Trimmer's shooting academy." There was a cottage contiguous to it, to which he also had a sign affixed, with the words, "I spy Trimmer's shooting academy." In this cottage a woman named "Sally Hand" resided with her husband; and her sister, a common girl from Stamford, came there also about this time. One day the defendant called the woman out of this house, and then addressing Mr. Brown, who was about 18 years of age, told him, that she had got a girl for him who would invite him to drink tea and sleep with her. Mr. Trimmer immediately came forward, and asked his lordship, how he dared to address such language as that to his pupil? The defendant denied having addressed it to the pupil, saying he had merely spoken to the woman Hand. Another pupil, however, declared he had heard him address the words to Mr. Brown. The defendant then drove home, and returned in about an hour and a half, upon which the plaintiff, together with his pupils and servant, treated him to a concert of "rough music," Mr. Trimmer performing on a poker and

fireshovel; another of the party rattling an old kettle with stones in it; whilst the third extracted "sweet sounds" from the tongs. This was stated to have been done for the purpose of preventing the defendant from being heard, in case he made a fresh attempt to corrupt the pupils, and also of driving him away. All this time the disgusting exhibitions at the pinfold continued without abatement, in the immediate view of the plaintiff's family, consisting of his wife and two children, a boy and girl, and three pupils; a Mr. Langdon, of Cadogan-place, Sloane-street, having been added to their number in February. The defendant allowed a she-ass to remain with the male for some days, and then separated them, in order that they might make the more noise braying for each other. He ordered his steward to put a mule into the pound, as it would make more noise than the ass, and being informed that a horse would make more noise than either, he threatened to add that to the stock. Young Brown, in some time afterwards, said to him, "Well, my lord, you have not put in the horse;" to which his lordship answered, that he would do so to-morrow; and he kept his word. This was after the 12th of November, when the firing, which was the alleged provocation, had been discontinued. Mares were then brought to the horse, and the nuisance rendered as disgusting as possible. Sometimes the mares were kept outside, in order that the horse might make the louder noise. All the time, however, his lordship was not altogether free from having divers petty annoyances retorted on himself. When his carriage made its appearance near the plaintiff's

house, his brother would approach it, and jumping up, look in at him by way of insulting him, whilst the plaintiff himself would ride round it for the same purpose. The pupils, too, were not backward in manifesting the absence of much respect for him. His mode of addressing his coachman, "Drive on, Tommy," was mimicked, and he was told to go home, for he was an old wretch. Prior to the 12th of November, Brown sometimes would fire off a pistol, only charged with powder, within twenty yards of his horses, his lordship, who is paralytic, being unable to quit the carriage. The horses, however, were never frightened by the report. Whilst firing at the target, the young men used to stand within forty or fifty yards of his lordship's paling, but they always fired in a different direction. Upon one occasion the defendant told Brown that the plaintiff was a brick-maker's son from Brentford, to which Brown replied, "I don't know who his father may be, but I know that his grandmother was one of the cleverest women this country ever produced." "D—n his grandmother," said his lordship, "who the devil cares about her?" At length, the defendant informed Brown that he meant to advertise his name, and that of Langdon's, together with the plaintiff's, in the Leicester and Lincoln newspapers; and here again his lordship was as good as his word; for, on the following Friday, the advertisement appeared. It was addressed "To Butchers who are free of the town of Grantham." It then stated that there was a butcher's shop to let in the town of Grantham, and referred for particulars to his lordship's steward, who resided at

Buckminster, where the rev. Henry Trimmer, and his pupils, Brown and Langdon, amused themselves daily, by shooting at a target, with guns and pistols, in the most frequented thoroughfare in the parish, to the great danger and annoyance of all their neighbours who had occasion to pass that way. Another advertisement subsequently appeared, commencing as before, but adding, that some poor Irish labourers had been set upon, and one of them shot, by ten ruffians, for merely saying that a Roman Catholic priest would not have acted as this parson of the Church of England had done. Some of them, however, it went on to state, had been lodged in gaol, and the others were known, so that there were hopes that they would all be transported at the next Leicester sessions for their ruffianly conduct. Young Langdon having gone home for the holidays, a letter addressed to his mother was delivered by the defendant's servant to the village postmaster, and was received by Mrs. Langdon, after her son had engaged his place in the coach to return to the plaintiff. This letter, which was in a disguised hand, was couched in the grossest language, acquainting Mrs. Langdon that her son, in company with the plaintiff, shot at a target, witnessed the scenes at the pinfold, had had a criminal intercourse with a girl named Sally Hand, who was pregnant by him, and lastly, had shot an Irishman, for which he was likely to be tried. Mrs. Langdon wrote to the plaintiff on the subject, informing him that she did not believe one tittle of the imputations attempted to be cast upon him or her son, but adding her extreme regret that, from the dread of having his name associated with

such charges, however false, she durst not allow her son to return to Mr. Trimmer's house. The boy, therefore, for whose instruction Mr. Trimmer was receiving 150 guineas per annum, was kept away. A letter, in a similar hand, was received by the bishop of Lincoln, to whom the defendant stated to Brown, first that he would write, and afterwards that he had written. The bishop transmitted it, under cover, to the plaintiff. It was signed "A Farmer," and, in coarse terms, described the plaintiff as a disgrace to his sacred profession. One day in the present year, while the plaintiff was from home, Mr. Brown, in company with Dalton, went into the fields with a gun in his hand. Some person having started a hare, the animal passed him by, and, unable to resist the temptation, he fired and shot it. Lord Huntingtower's steward laid informations against the two young men, who were convicted in the penalty of 25*l.*, which sum Mr. Trimmer immediately paid for them. Mr. Brown then went home to his friends in Ireland, and did not afterwards return, until now, when he came as a witness for the plaintiff.

An objection was taken, on the part of the defendant, to the admission of the above letters in evidence, as not having been sufficiently brought home to his lordship as the writer of them. The lord chief baron having taken a note of the objection, told the jury they were to pay no attention to them, if they were not satisfied they had been written by the defendant; but if they thought that they had, then they would take them into consideration. The jury returned a verdict for the plaintiff for the full sum laid in the declaration, — namely 2,000*l.* damages.

COURT-MARTIAL ON CAPTAIN DICKINSON.

Portsmouth, August 26.

On board the Victory.

The Court-martial was composed of the following members:—

Hon. sir Rob. Stopford, President, adm.
Rear-admiral hon. sir H. Blackwood.
Rear-admiral sir R. W. Otway.
Captain G. Mundy, M.P.
Captain the hon. Robert Gordon, M.P.
Captain the hon. George Elliott.
Captain A. W. Schomberg.
Captain Inglefield.

The following letters from sir E. Codrington to the Admiralty constituted the charges:—

"92, *Eaton-square, June 14, 1829.*

"Sir,—In obedience to the directions of the Lords Commissioners of the Admiralty in your letter of the 8th of this month, I have the honour to inform their lordships, that the mistake of two distinct Russian orders having got into the possession of captain Dickinson, appears to me to have arisen from one of them having been sent to the Mediterranean through count Heiden, without its having been known that another had been conferred upon him in England through count Lieven.

"As I understand that the government do not think the commanders serving in the Asia and Albion entitled to either of these Russian distinctions, I cannot but regret that captain Dickinson should have been placed in this respect above those two officers; since I have every reason to approve (as I do most highly) of the conduct of captain Baynes and captain Campbell, and have no reason to approve of the conduct of the Genoa from the time of the command of her having devolved on captain Dickinson. As it is probable that the selection of captain Dickinson for the distinction in question may have arisen from captain Bathurst having been reported in the return, signed by captain Dickinson and the surgeon, as killed in the action, it is incumbent on me to inform their lordships, that captain Dickinson himself conducted me down to captain Bathurst in the cockpit of the Genoa, at eight o'clock in the evening of the 20th October, several hours after the battle was over, and that both he and the surgeon must have heard cap-

tain Bathurst calmly and collectedly describing to me what had passed upon deck before he was wounded. In fact, captain Dickinson, when subsequently reproved by me for having made this false return, acknowledged his recollection of having so conducted me into the cockpit, and of captain Bathurst not having expired until about three o'clock in the morning of the 21st.

I have, &c.

(Signed) "EDWARD CODRINGTON.
"To the Secretary of the Admiralty."

"Eaton-square, June 24, 1829.

"Sir,—In answer to the directions of the Lords Commissioners of the Admiralty, contained in your letter of the 22nd instant, that I should state the particulars in which I saw reason to disapprove the conduct of captain Dickinson, after he had succeeded to the command of the Genoa, I beg to inform their lordships, that the Genoa did not use her springs as the other ships did, but engaged with her stern and quarter guns only;—that her mizen-mast was allowed to go by the board the day after the battle;—that although less injured than the Asia, the Albion, or the ships of either of the allied admirals, she was the last ship ready to leave the port, even after having had a whole watch of the Glasgow to assist her;—that captain Dickinson reported captain Bathurst killed, although he did not die until about three o'clock on the morning of the 21st of October, and after he had himself conducted me to him in the cockpit at eight o'clock in the evening of the 20th. I think it right also to add, that according to a copy of what I understand to be the ship's log, the Genoa is stated to have used her springs; although captain Dickinson admitted to me that she had not done so, owing to his inability to get the men away from their guns; and that she is there reported to have successfully engaged all the three Ottoman ships of the line, and one more double frigate than there were in the fleet; when the fact is, that owing to her not using her springs, the fire of her own opponent would not have been silenced, but for the exertions of the other ships of our squadron. It did not appear to me that any benefit would be derived to the service from my publicly reporting at the time this inferiority of conduct evinced in the Genoa, after she fell

under the command of captain Dickinson, more particularly as I had had the pleasure of expressing my marked approbation of the manner in which that ship had taken up her station under captain Bathurst. But under the circumstances of captain Baynes and captain Campbell not being considered as entitled to any Russian distinctions, although their conduct was most satisfactory to me in every respect, I cannot but regret that any such distinctions should be conferred upon captain Dickinson.

"I am, &c.

(Signed) "E. CODRINGTON."

"Eaton-square, July 17, 1829.

"Sir,—In obedience to the desire of the Lords Commissioners of the Admiralty, that I should state specifically all the points of captain Dickinson's conduct with which I was dissatisfied during the period of his being in temporary command of his majesty's ship Genoa, in order that the same may be investigated before a court-martial (a measure which their lordships are pleased to consider due as well to the character of captain Dickinson as to the interests of the public service), I have the honour to state for their lordships' information, that from not making proper use of her springs directed by my order of the 19th of October, 1827, to be placed on the anchors, the broadside of the Genoa was not directed to her regular opponent in the Ottoman line, and that in such a position, she could not fire any of her guns except those of her stern and quarters, without endangering the Asia, and others of the allied squadron on her larboard side, and the Albion and others on her starboard side; that, consequently, the shot which injured the Asia, and which came in that direction, were apparently fired by the Genoa, and that the Genoa did positively fire into the Albion, probably (according to her log-book) mistaking that ship for one of the Ottoman fleet, although the Albion had an English ensign at her mast-head to prevent such mistakes;—that captain Dickinson having been reproved by me for not using the Genoa's springs, and having accounted for it by his inability to get the men from their guns for that purpose, it was nevertheless asserted in the ship's log-book, that the springs were used;—that the account of the battle given in the Genoa's log-book erroneously implies, that she had three

Ottoman ships of the line opposed to her on her starboard side, three sixty-gun frigates on her larboard side and a-head, and a double-banked frigate a-stern;—that captain Dickinson returned captain Bathurst as killed, and procured the surgeon's signature to that return, knowing that he did not die until many hours after the battle was over, and that he retained his faculties to give orders during the whole time of the battle; and that by this mis-statement he gained an honorary distinction which might not otherwise have been conferred on him;—that the refit of the Genoa for leaving Navarino, and engaging the batteries if requisite, was unjustifiably tardy; and that the same slackness prevailed on her way to Malta;—that the Genoa's mizen-mast was suffered to go by the board on the 21st, the day after the battle, for want of being properly secured;—that the Genoa continued firing after the battle was over, at the risk and to the probable injury of the allied ships, until hailed from the Asia to cease.

"In further addition to the statement in my former letter, which was confined to the object of getting captains Baynes and Campbell placed at least upon a level in honorary distinctions with captain Dickinson, I have now, in obedience to their lordships' pleasure, that I should state specifically all the points of captain Dickinson's conduct with which I was dissatisfied, to inform their lordships of an instance of insubordination, of which I would gladly have avoided the exposure.

"That captain Dickinson himself presented to me a letter, in the nature of what is called a 'round robin,' purporting to come from the crew of the Genoa, and desiring that I would appoint him in preference to any other officer to succeed captain Bathurst as captain of the Genoa; and it is due to myself to explain, that I was then induced to relinquish the reporting to his royal highness, the lord high admiral, this instance of insubordination, which your letter has now made it incumbent on me to bring forward, by captain Dickinson's strongly expressed contrition for errors which he said he had fallen into inadvertently; his own entreaties that I would overlook them being supported by captains Ommanney, Spencer, and others, who united with me in an anxious desire to avoid the ex-

posure of such misconduct in this individual instance, on an occasion where a zealous execution of the service was the general characteristic of the three combined squadrons.

"I have the honour to be, &c.

(Signed) "EDWARD CODRINGTON.
"The Right Hon. John Wilson Croker."

Sir Edward Codrington was called in support of the first charge.

The order promulgated by sir Edward Codrington on the 19th of October, 1827, in apparent anticipation of a conflict with the Ottoman fleet, should they fire upon any of the allied ships in entering the bay of Navarino, was read in evidence, and admitted by sir Edward, who also produced a plan of the battle, which, he said, he did not offer as given upon an unerring scale, but as made out, he believed, with general accuracy, and from a sketch sent to him by admiral de Rigny.

The vice-admiral explained the intention of his order of the 19th to be, that each ship should, by swinging upon her anchor by the spring cables, have the power to give her best front to the enemy, who were in double horse-shoe lines in the bay of Navarino—in fact, make the most of her situation with each ship to which she might be opposed; (the order expressed that no officer could go wrong by attending to lord Nelson's recommendation, of grappling with an equal ship of the enemy); that his attention was particularly struck with the seamanlike and superior manner, in which, under very praiseworthy circumstances, which he technically described, captain Bathurst brought his ship into her position in the affair of Navarino; but that shortly after the action had begun, he observed that the Genoa, from beginning to end, as far

as his own observation went, made no use of her springs, and had been consequently placed with her stern towards her opponent, so as to be exposed to his raking, and to be herself disabled from using her broadside generally, without risking its discharge either into the Asia on one side, or into the Albion on the other. Indeed, at one time, the fire was so hot upon the Asia, and the smoke so very thick, that he had attempted to hoist a signal for the fleet to cease firing to enable the ships to ascertain how their fire was directed, and in fact the Asia had for a time suspended her fire; but it was found impossible to make this communication to the fleet, and it was afterwards abandoned. His belief was, judging only from the relative position of the Genoa to the Asia and Albion, that, if she did fire any guns further forward than her quarter, her shot must have gone into the ships already named, for he did not think that the shot of the ulterior line of the Ottoman fleet could have reached the Asia as she lay. The position of the Genoa was not, in fact, in conformity with his order of the 19th of October.

In his cross-examination by captain Dickinson, sir Edward Codrington said, that he had gone on board the Genoa on the evening of the action, where he saw captain Dickinson upon the quarter-deck, and was by him conducted into the cock-pit, where he conversed with captain Bathurst, who was mortally wounded. To the latter, after anxious inquiries as to his situation, he (sir Edward) expressed his high satisfaction at the manner in which he had led his ship into action, and captain Bathurst said, "Thank you, thank you, then I

shall die easy." But, in speaking to captain Dickinson, when he saw him on the same night on board the Genoa, he had never expressed any commendation of his conduct, but had, on the contrary, reproved him for the position of the ship, and afterwards for returning his captain as killed, who had lived until three o'clock of the following morning; remarking, at the same time, that it was lucky he had seen the captain, and conversed with him on the same evening, so as to have had the positive knowledge which had enabled him to correct the mistake of the captain in this respect, before the returns were transmitted, and spare him and the surgeon from an inquiry into the occurrence. Captain Dickinson expressed his regret for the mistake. In answer to several questions from the captain, sir Edward Codrington repeated, that it was Dickinson, and not lieutenant Smith, who had received him on the quarter-deck of the Genoa, on the evening of the action, and conducted him into the cock-pit, where he spoke to captain Bathurst. He was positive he conferred no other commendation at that visit, after he came upon deck; in fact, he was so absorbed with what he had beheld in the cock-pit,—the wounded, and the cries of a number of women who were there assembled—that he thought of nothing else, as he was leaving the vessel to attend to the pressing business of his own ship. When he had reproved captain Dickinson for not using his springs to his anchors, to enable the Genoa to bear her broadside, the reply was, that he could not get his men from their guns in the action to make that movement.

In reply to some questions from

members of the court, as well as from the defendant, sir Edward Codrington, admitted that he had not sent any order to the Genoa, or made any signal which she could have received, for the alteration of her position. His attention was at the time too entirely occupied with other business.

Captain Curzon, of the Asia, confirmed those parts of sir Edward Codrington's evidence, which went to show the position of the Genoa, being with her stern towards the Ottoman ships, and her broadside not (speaking generally) brought as it ought to have been. He had, soon after the action began, expressed his opinion to the admiral, that, from the heat of the fire upon the Asia, he feared both enemies and friends were discharging into her. The admiral agreed with him in opinion; but said, the smoke was so thick it could not then be prevented.

He was questioned at some length in his cross-examination, and said, that he formed his opinions from what he saw of the position of the Genoa, to which ship he knew of no signal or message having been sent during the action. He admitted that the Genoa had sent a boat with a hawser to relieve the other ship, from a frigate which was dropping on fire near her, but the firing of the Asia was at that time closed.

Captain Baynes, commander of the Asia, gave similar testimony.

Thursday.—Second Day.

The second charge was, that the Genoa fired into the Albion, which ship had an English ensign at her head. The third was, that captain Dickinson, having been reproved by vice-admiral sir Edward Codrington for not using

springs, accounted for it by his inability to get men from the guns, although the log said the springs had been used; and the fourth, that the log stated that the Genoa had three Ottoman ships opposed to her on the starboard side, three sixty-gun frigates on her larboard side a-head, and a double-banked frigate a-stern. These charges were now gone into.

Captain Ommanney, of the Albion, deposed to the position of the Genoa in the action of Navarino, exactly as it was described yesterday by vice-admiral sir E. Codrington, and the other officers then examined. In the early part of the action, he did not particularly observe the Genoa; but towards the close of the action, her relative position towards the enemy was unfavourable for the use of her broadside. The Turkish vessel, to which the Genoa had been opposed, became entangled with that bearing the Ottoman admiral's flag; their masts fell overboard, and they were drifting about dismasted for a great part of the night, after which they were anchored; but they were cut adrift in the morning, by the boats of the Albion, according to orders from the admiral, when they drifted on the rocks, where they remained on the western side of the harbour, at the time of the sailing of the allied fleet. The Albion always kept an ensign hoisted during the action, to prevent her being accidentally fired upon by the Genoa. In the former ship no British shot was found during her subsequent repairs. The Genoa was engaged in the action with the Turkish line-of-battle ship before the Albion opened her fire; but he could not say whether the Genoa was stern-ways towards her enemy at that

particular point of time. The two plans in court were submitted to captain Ommanney, who said that one (the French admiral's) was correct in its general features, while the other was incorrect.

In the cross-examination by captain Dickinson of captain Ommanney, the Albion's log-book was produced, and the defendant particularly examined captain Ommanney upon entries therein made descriptive of the proceedings at issue. Captain Ommanney said, that, at the time of the Albion's passing the Genoa, the latter had not commenced her fire, nor had he any reason to suppose she did not do her duty when she began her firing. The Albion had no regular foe in the battle, having been ordered by the commander-in-chief to take a position somewhere near the large Turkish frigates. When the admiral showed him the plan for the action, he said he should place the Asia alongside the Turkish admiral. Captain Bathurst being second in command, he added, "I have given him the other line-of-battle ship. That on the western side I have given to count Heiden; there are some large frigates withinside, you must take your station amongst them." These were the words of sir Edward Codrington. Captain Ommanney added,—that, before he got to that anchorage, the flag-lieutenant came on board, and desired he would act in a situation to engage the ships to the left of the Russians. He then put himself into a situation to carry into effect these orders. After anchoring, the Albion fired from each side against her opponents. He repeated he did not mean to assert that the Albion had singly contributed to overpower the vessel en-

gaged with the Genoa; his meaning being, that one vessel adding her fire to that of another, must have contributed to the silence of an enemy. When the Albion first opened with the Genoa's opponent, the Asia's bow had got entangled with the Turkish admiral's ship. He saw little of the Genoa till the close of the action, and could not therefore say whether he was or was not properly supported by the Genoa as his next line-of-battle. The Albion received no stone-shot from the Genoa's opponent, or from any other ship, during the action.

Captain John Drake, commander of the Albion, was next examined. His evidence was of the same description as captain Ommanney's.

Mr. White, master of the Albion, deposed that the second master, who was stationed on the fore-castle during the action at Navarino, came to him and said that the Genoa was firing grape-shot, and he could hardly stand on the fore-castle for it. The same officer returned in about a quarter of an hour, and repeated his former communication to captain Ommanney. We then (continued the witness) went forward, and saw some grape-shot coming in the direction of the Genoa. When these communications were made on the quarter deck, the Albion had not a white, or St. George's ensign, hoisted in any part of the ship; but it was put up in consequence of the firing. The smoke was very thick, and he could not perceive any Turkish ships, but there were several corvettes and brigs lying in the same direction, from which the shot alluded to might have come. The Genoa's opponent was totally dismasted by the

Genoa. The Genoa's fire, while his attention was drawn to it, seemed to be such as became a ship of the line.

Sir Edward Codrington said, that he had reproved captain Dickinson for not having put springs to his cables, and to that part of the charge he could depose fully; but he first begged to have the log-book of the Genoa produced. It was accordingly produced, and from it the judge-advocate read the extract in which the Genoa was described as having three Ottoman ships of-the-line on her starboard, and others on her larboard, &c., during the action, an account of the fact which, sir Edward said, "was altogether untrue, if the ships alluded to were intended to mean Ottoman ships." In the position in which the Genoa was, it was absolutely impossible that she could have three Ottoman ships of the line on her starboard side, for there were but three in the fleet. In her position, the ship opposed to the Asia must have been somewhere upon her larboard quarter, her own opponent being nearly a-stern of her, her broadside towards her, and raking the Genoa; that was their relative position, and the Genoa could only engage that ship with her stern and quarter guns; "there remained, then, only a third line of battle ship on her starboard side, as I viewed them, forming a mass with the Russian admiral's ship, together with the Breslaw (the French vessel), and the Albion somewhat out of the direction of them. The other ships lay rather open, and on the starboard of them. I imagine, therefore, that the ships stated in the log-book to have been Ottoman ships, were the Azof and the Bres-

law. On her larboard side the three 60-gun frigates must have been the Egyptian squadron engaged by the Syrene and the Asia, into which I do not think the Genoa could have fired without hitting the two British ships. The Egyptian division formed the right hand as we went in. Moharem's people were conversing on the poop. I could see their lips moving. I mean this to show that so near were we, that the fact could not have occurred as this log states. Moharem had sent a message that he would not fire; nor for three-quarters of an hour was a shot fired to or from him; but the Egyptian, for some cause or other which I cannot explain, did break his word, and commence hostilities, when I directed a change of position of our broadside, and soon silenced him."

Friday—Third Day.

Mr. Henry Giles was signal midshipman on board the Genoa, during the battle of Navarino, and stationed on the poop: her opponent was nearly a-beam of her on the starboard side, and the Genoa's guns on that side could bear upon her, though some of the after-guns might not; he did not believe that any of her guns, at any time of the action, could have borne upon the Albion. The Genoa was for the greater part of the action nearly, though not quite, broadside towards her opponent, and he did not recollect her swinging sternways.

Commander T. P. Robinson, of the Genoa, who was examined on the first day, was recalled. The Genoa was nearly abreast of her opponent for some time after the action began. She afterwards altered her position a little: then the foremost guns were trained a

little to bring them to bear the better, and the springs were at that moment first made use of, and they acted as the log described. This being done, captain Dickinson came down to the lower deck, and ordered witness to send back the men to the guns, after they had thus assisted him in hauling the springs. Soon after this he observed the Asia's and Genoa's opponents, which were line-of-battle ships, to be foul of each other, the foremast of each only standing, the other masts lying over the sides—indeed they heeled over so much, that he thought at the time they were sinking. Capt. Robinson added, that one of his foremost guns was, from incessant firing, carried away. Indeed, the guns were so hot from repeated discharges, that it was scarcely possible to bear one's hand upon them. In answer to questions from the Court, he said he was stationed on the lower deck when the Genoa sailed into Navarino, after which he came upon the forecastle to attend the furling of the head sails, the ship being then anchored with her larboard broadside nearly open to the harbour, and her head north and east, her broadside (starboard) however bearing upon her opponent abreast. The springs were, he believed, bent upon the ring of the anchor. He observed the Albion from the lower deck at several periods of the action: she was a point and a half or two points from the starboard bow of the Genoa, shifting a little of course with the change of position of the respective ships. He never, however, saw the Albion in such a relative position towards the Genoa, that the foremost guns of the latter could have fired into the former—this could not have happened.

From what he observed of the Albion, her fire did not appear to be directed against any particular ship of the enemy. He could not say that any of the fire of the allied ships could have by mistake fallen upon the Albion; the smoke was, however, very dense. None in his quarters were killed by musketry in the foremost part of the ship. He saw captain Dickinson himself come down to order on the springs, and to desire witness to send every soul from the guns for that purpose. Twice, to his own knowledge, the springs were called for; their use was, however, in his opinion, little wanted; two or three of their foremost guns were occasionally not in a position to bear upon the enemy, but they were used with effect after the springs were hauled. The two or three guns he alluded to were not allowed to lie idle at any time, but were used against a frigate astern of their opponent. It was impossible, even if it were wished, much less by mistake, to have got a gun to bear upon the Albion. Between forty and fifty minutes after the action commenced, as well as he could recollect, captain Bathurst was carried wounded from the deck. After that event the ship was solely under the command of captain Dickinson. The latter was in command at the time of the use of the springs, and, as far as he knew, had done his best as an officer to bring the Genoa's broadside upon her opponent during the action. It was, he thought, impossible for any officer to have done more, or shown stronger anxiety than captain Dickinson did on the occasion, both before and after the battle. Witness did distinctly see the ensign flying from the top-gallant mast of the Albion at the

intervals when he observed her. He had never understood, or known, that any of the Genoa's springs were shot away; the entry in the log-book referred to the enemy's springs. Witness's guns were double-shotted each round, and no grape was fired to his knowledge: he kept his eye closely upon the enemy's ship, to observe the effect of the shot from the Genoa's guns, as well as the smoke permitted. He saw that it told well, and he desired the men to keep to the same points. Witness's larboard side guns were not fired, though they were ready: but a Maltese sailor was killed on that side by a shot from the enemy. The most positive orders were given to prevent firing into any British ship.

In his cross-examination by captain Dickinson, he said, that he had received several orders from the quarter-deck to cease firing at times, lest the foremost guns might hit the Albion. He did see the vice-admiral when he came on board the Genoa about an hour and a half after the battle. Sir Edward Codrington on that occasion, in witness's hearing, as he was on the larboard gangway going out of the ship, addressed himself to captain Dickinson, and said he took that opportunity of expressing his approbation both of the position the Genoa took up and the precision with which she had fired her guns; all present thanked the admiral; and he added that he had not only made the observation there, but when captain Dickinson was not present. He then asked if any one knew where captain Bathurst's lady lived, to which, to the best of his recollection, lieutenant Smith replied that he did, and that Mrs. Smith,

his wife, was daily in the habit of seeing or corresponding with her. He then begged his sentiments should be conveyed to her.

Lieutenant Sturt (who was also examined on the first day) was again called. The whole of the Genoa's starboard broadside constantly fired upon her opponent, except on those occasions when she shifted obliquely. The visible effect of this fire upon her opponent was to cripple her in the hull, masts, and rigging, as much as a ship could be—her main and mizen masts were lost. In addition to the Genoa's fire upon her opponent, he observed the Albion at the latter period of the action, when the Ottoman ships had fallen aboard of each other, firing her larboard guns to that spot. During the greater part of the action, the Genoa directed her fire against her immediate opponent. When the Ottoman ships fell aboard of each other, the guns of witness's quarters were firing into the bows of both ships. Three or four times, however, she fired into a small frigate in the inner line of the Turkish fleet, and astern of her. He here confirmed the whole of the previous witness's testimony respecting the withdrawal of the men from the deck while the springs were hauling, by the immediate command of captain Dickinson, after captain Bathurst's wound. It was perfectly impossible any of the shot of the Genoa could have struck the Albion or Asia. He knew of no orders having been given by captain Bathurst after he was carried below, from which time all orders, as far as this witness knew, came from captain Dickinson.

Cross-examined.—Witness remembered admiral Codrington

coming on board the Genoa immediately after the action. When the admiral was passing by their larboard gangway to descend into his boat to return to the Asia, he expressed his approbation of the fine style in which the Genoa had taken up her position, and the gallant manner in which she had maintained it. He heard no more from him, because he descended into the boat.

As to the fourth charge, whether the statement in the Genoa's log, that she had three Ottoman line-of-battle ships on one side, and as many hostile frigates stationed on the other side of her, was incorrect,

Captain Curzon, of the Asia, was called. Upon referring to the description of the Genoa's opponent in the log, he said it was erroneous, in so far as it implied that she could have engaged all these ships. As often as he saw the Genoa, both when the action began and ended, she could have fired only her quarter guns upon her direct opponent, according to his observation, and he had his spy-glass in his hand on the look-out during the action.

Captain Ommanney also stated that the account of the Genoa's opponents in her log-book was erroneous.

After captain Ommanney withdrew, captain Dickinson rose and addressed the Court, calling their attention to the wording of the impugned part of the Genoa's log, which he insisted by no means implied that the Genoa had actually engaged these large ships, but only that she had them in the curve of the horse-shoe, and was consequently exposed to their fire.

Saturday—Fourth Day.

Captain Robinson, in explanation of his testimony stated, that he was stationed on the fore-castle, when he observed the Albion on the Genoa's larboard keel, and from the way she was steering he concluded that her intention was to pass on the latter's larboard side, and he gave directions to the men aloft on the yards, his whole attention being engrossed by furling the sails; it must have been during that time that the Albion passed under their stern, as he believed, (for he lost sight of her at the moment) and shot up between the Genoa and her opponent, a movement which he thought was risking the getting foul between ships so close together; the next time he saw the Albion was on the starboard bow, her sails clewed up, not furled. The Albion must have passed them within a cable's length, at the rate of about two knots.

Captain Thomas Smith, first lieutenant of the Genoa, was called, and examined by the Court. He said, that, when the Genoa let go her anchor in the Bay of Navarino, she swung to her anchor, to the best of his recollection, with her head to the westward of the north—nearly a-head to the wind, in fact. In that situation her position relative to the Turkish seventy-four, which she was ordered to engage, was between the starboard beam and the quarter; but before she actually engaged, the Genoa's position was altered, by hauling upon the larboard spring, and by that means bringing her into that beautiful position, which sir Edward Codrington had so much admired. It was parallel (head and stern) with the

appointed opponent of the Genoa, the whole of whose starboard broadside was bearing upon her with the most complete effect. From that beautiful position, in which she was placed by captain Bathurst, she did not diverge during above two hours. They were very near the enemy, the whites of whose eyes, indeed, they could as plainly see as he now saw those of the hon. Court. The visible effect of their fire upon their opponent was, that she soon became a complete wreck in her hull, yards, masts (except the fore-mast), and rigging. The Albion certainly did join in the Genoa's fire upon this Turkish ship, but it was at the close of the action, when the Turk was a wreck, and when also the Asia's opponent had fallen athwart of her. The Genoa's opponent did not appear to him to use any small arms during the whole of the action, indeed, he had never heard of a musket or pistol-bullet having been found on board the ship. The Genoa did fire musketry at her opponent's side early in the action, but the small arms were soon sent to the decks below. There were two stern chasers on the main-deck used during the action with the most visible effect upon a Turkish frigate a-stern on the south side of the harbour, and on other vessels in that direction. The Capitan Bey's ship, with which the Asia was engaged, was on the Genoa's starboard quarter, and the Asia on her larboard, or nearly a-stern. During the course of the action the ships occasionally diverged a little, and so altered their relative positions. The Genoa's stern-chasers, striking the Turkish frigate at five cables' distance, cut up her stern exceedingly, as she was almost in a position to be

raked. The Genoa's springs were first used upon her coming to anchor to enable her guns to bear upon her appointed opponent, and once or twice afterwards. Captain Dickinson did come below to see the springs applied—once most certainly—perhaps twice. During the whole of the time the Genoa remained in her first position, the Albion was about two points on the former's starboard bow. Upon the alteration of the Genoa's position, the Albion became in proportion so much aft. He saw an ensign of some kind on the latter's mast, and at no period of the action, he thought, could she have been mistaken for an enemy's ship, and fired upon by the Genoa. Witness and captain Dickinson always knew her position, and he was positive she never could have been struck from their quarter-deck guns, nor, he believed, from any others in the ship. Grape shot was used from all the decks of the Genoa, but none was fired in the direction of the Albion. Witness received sir Edward on the quarter-deck of the Genoa. It was then dark, and he (witness) took a lantern, and conducted the vice-admiral down to the cock-pit, where captain Bathurst then lay mortally wounded, and sir Edward and captain Bathurst there conversed. Captain Bathurst told the Vice-Admiral he knew his wound was mortal, and that he could not live. Sir Edward then said, in witness's presence and hearing, how greatly he admired the position in which the Genoa had been placed, and the gallantry with which she had been fought throughout the action. What he said was, in substance, unqualified praise. This was the fact, upon his honour and oath; for if the praise had been qualified

to the time while captain Bathurst was on deck, witness must have been sensibly struck with the distinction. Captain Bathurst expressed an anxious hope to sir Edward, that his royal highness the Lord High Admiral would remember his wife and family. After this, witness reconducted the Vice-Admiral to the quarter-deck, and, on their arrival at the aboard gangway, or immediately afterwards, captain Dickinson came on the quarter-deck. There were (he added) several other officers (five or six) present. Some conversation then occurred on the quarter-deck between capt. Dickinson and sir Edward Codrington, the former apologizing for not having been present to receive him on the quarter-deck. Sir Edward asked, "Who knows where Mrs. Bathurst lives?" Witness replied he knew, for Mrs. Smith was in almost daily communication with her. The Vice-Admiral then requested that he would, through his wife, convey to Mrs. Bathurst those sentiments of his which he had expressed to her husband in the cock-pit, and which he again repeated. Witness promised that he would do so, and performed it. He then took off his hat, and thanked the Vice-Admiral in the name of all the officers and crew, for the high and handsome compliments he had paid them, and he immediately after went over the side of the ship. He could not say what altered the Genoa's position during the action, for there was no tide in Navarino-bay, and on this day there was very little wind. In answer to further questions, he said, that the description of the relative position of the enemy to the Genoa, as given in the log, was substantially correct, and put

down not in a hurry, but to the best of his recollection, on the day after the battle, as clearly as it could be defined by the judgment of captain Dickinson, himself, the master, and other witnesses from rough copies which they had prepared, conceiving the day's proceeding to have been of more than ordinary importance. It was not intended to imply that the ships mentioned were actually engaged with all these Ottoman ships, but that they were in the curve opposite to them.

The President.—Why did you think the day's proceeding of extraordinary importance?

Witness.—Because it was an action between great powers fought in a time of profound peace.

The President.—A very proper answer, and a very just observation.

The witness likewise said, that captain Dickinson was not (and he here spoke most positively) in the cock-pit at the time when admiral Codrington conversed with captain Bathurst, and could not therefore have heard what passed.

Cross-examined by capt. Dickinson.—When captain Dickinson met sir Edward Codrington on the gangway afterwards, and apologized for not having received him when he came on board, was the very first time they saw each other that evening, to the best of witness's belief. [Captain Dickinson explained, that he was absent from the quarter-deck when the Vice-Admiral arrived, preparing the lower deck guns in case the engagement should be renewed.] When the Turkish frigate was on fire a-head of the Asia, captain Dickinson did send a boat to the latter with a hawser to assist her, if necessary. In witness's opinion the Genoa had suffered in the ac-

tion more than any other vessel in the allied squadron on that day.

In support of the charge referring to the report of captain Dickinson, that captain Bathurst was killed in the action, while the fact was, that he was only wounded, and had died some hours after the battle was over, sir Edward Codrington was called. Upon entering the court he said, that he wished to revert to the question put to him on the first day, where he was understood to have replied, that he had said or done nothing during the action respecting the Genoa's springs, at the time he observed from the Asia the bad position in which the Genoa had engaged her immediate opponent in the enemy's fleet. "In talking," said he, "the matter over afterwards with captain Curzon, I said, 'Good God, I must have done something more, I know, to communicate with the Genoa, from the manner in which I am sure I felt at the time of her bad management,' when captain Curzon observed, 'Why, Sir, don't you recollect, you called on me to get a boat out to send a message;' and upon this I instantly recollected the particular circumstance, and his afterwards saying that he had tried, but could get no boat afloat at the moment for conveying the message. This point is material, as my former evidence showed there was, in point of fact, nothing done at that time in the way of communication with the Genoa, and I now, in explanation, add the reason why there was not."

The Vice-admiral now produced the original return of the killed and wounded of the Genoa, with the signature of captain Dickinson, which was delivered to him later than all the other returns of the fleet; in fact, he had kept the

despatches open for it, that the correct account of the killed and wounded should accompany them. The first entry was captain Bathurst "killed," to which was annexed, in sir Edward Codrington's hand-writing, a memorandum, stating that he was not killed, but "severely wounded, and died during the night." Upon reference to the log, it appeared that the time of captain Bathurst's death was stated in two different ways—1st, that he was mortally wounded at three o'clock on the 20th of October, and that then Lieut. Dickinson took the command; and 2ndly, on the 21st of October was an entry, that captain Bathurst had died at two o'clock a. m., when Dickinson took the command. Sir Edward Codrington remarked upon this discrepancy, and added, that when he had subsequently reproved captain Dickinson for having made this false return, the latter said it was a mistake; but sir Edward rejoined, "Yes, but it is a very serious mistake for you and the surgeon to have put your names to it, particularly after having conducted me to captain Bathurst in the cockpit, and heard me converse with him. Luckily, however, for you, I observed it in time to correct the error by a note with my own name to it, or you and the surgeon might have been in a serious scrape with the Lord High Admiral."

Sir Henry Blackwood.—If sir Edward Codrington conceived this insertion of the casualty to be intentional on the part of captain Dickinson, and to be done for the cause assigned,—namely, a hope, by the mis-statement, of receiving additional honours, how comes it that sir Edward did not return his report to him at the time?

Sir Edward Codrington. I had

been obliged, as I have mentioned, to detain the despatches for this particular return, after I had received every other in the fleet, being anxious, of course, not to create alarm all over England, by sending off a return not including that of the Genoa. So placed, I did not wish to cause further delay by sending the return back to captain Dickinson for correction, and more particularly as he had himself conducted me down to the Genoa's cock-pit on the night of the action, where I had ocular demonstration that captain Bathurst, instead of having been killed in the action, as he was falsely described in the return, was only wounded, and was, at the time when I saw him after the battle was over, coolly and collectedly explaining to me what he had done in the action. With this opportunity, then, of judging for myself, I, as commanding-officer, made the marginal correction in the return, and mentioned it afterwards to captain Dickinson.

Captain Dickinson.—I beg to ask sir Edward Codrington if I did not officially and personally report to him when captain Bathurst was mortally wounded, about eight o'clock in the evening of the 20th October?—I have stated that he took me down to the cock-pit, when I went on board the Genoa in the evening after the action, and introduced me to the cabin in the cock-pit where his captain lay.

But that is not what I allude to; did I not report to you his wound, I mean on board the Asia?—I don't believe you did. I know a boat came to me in the evening with an officer to report captain Bathurst's situation. I do not think it was captain Dickinson who did so, but somebody else.

Do you remember at the same time I have now alluded to, and in your own cabin, where you were seated when I first went on board the Asia, telling me that we must prepare for sea, and go out that night—that we could not stay there from the probability of being burnt, and my replying, that it was next to impossible the Genoa could proceed to sea that night—that both our cat-heads were shot away, that we must cut or slip from one or both anchors; that our mizenmast must go; that I was much afraid the mainmast would share the same fate, and that there was only one shroud standing on the two masts?—I don't remember it, nor do I believe that one word of this took place, for I had no intention of sending a single ship out of the port on that night. The Asia herself could not have gone, had the emergency been ever so great; so that nothing of the kind could possibly have occurred.

Did the French admiral de Rigny confer with you on the subject, and say that it would not be wise for you to go to sea that night?—Certainly not: I believe his own ship would have been as unequal for it as mine.

The President.—Was admiral de Rigny present with you, when the officer came on board the Asia to report capt. Bathurst's wound?—No, he was not.

Captain Dickinson.—Do you remember an officer being sent from the Genoa after my interview with you, and when I returned to the ship, further stating, that, on reviewing the defects of the Genoa, upon my return on board, it was utterly impossible, without the greatest danger?—I am not aware of having had any such interview.

with you. I never contemplated the Genoa going to sea that night ; and the only communication that I remember having had from the Genoa, was an officer coming on board to report that captain Bathurst was mortally wounded.

Do you remember at the same time, when speaking of the battle, that you said you did not know how it would be taken in England, but that, at all events, the captain-lieutenants would most likely be promoted?—I venture to say, not one word of that did or could pass, even if I had seen you there. Nothing of the kind happened. As to the way in which the battle would be taken in England, I of course must have known it would be taken in the way in which all other successfully fought battles had been taken ; but none of this conversation in point of fact occurred.

Monday—Fifth Day.

The examination of sir Edward Codrington by the Court was then resumed.

Sir Henry Blackwood.—I think sir E. Codrington has said distinctly, he did not see captain Smith on board the Genoa, when he went there to see captain Bathurst, and that it was captain Dickinson and the Surgeon only who were in the cock-pit with captain Bathurst. I beg to know what officer (if not captain Smith) he addressed himself to, when going out of the ship, respecting Mrs. Bathurst, and whether at that time he did not express similar approbation respecting the conduct of the Genoa generally, as had just before been done by him to captain Bathurst, and requesting such officer, whoever he might be, to communicate the same to Mrs. Bathurst?—Those words and their import

seem to me so much at variance with the evidence which I gave, that I must request it to be adverted to upon the minutes.

The Judge-advocate here reverted to the minutes of sir Edward Codrington's former evidence, and repeated the entry which he had made of the passages referred to.

Sir H. Blackwood.—Do you recollect having seen or spoken to captain Smith at any time of the evening, when you were on board the Genoa, respecting Mrs. Bathurst's address, or did you make the inquiry from any body else on board?

Here again the minutes of the former evidence were referred to ; and sir Edward Codrington remarked, that he had not said he had made any such address about Mrs. Bathurst.

Sir H. Blackwood.—But did you address yourself to any officer in the gangway, to inquire for Mrs. Bathurst's place of residence, or on going over the side of the ship?—I am not aware of it, though I do not mean to deny it, as it relates to Mrs. Bathurst ; I had of course, a strong desire that Mrs. Bathurst should be apprized of what had happened, through some proper person, and nothing more likely, I think, than that some such inquiry should have taken place. If I had seen captain Smith, I see no reason why I should hesitate to affirm it ; but really I cannot charge my memory with the circumstance, at a moment when I must have been so seriously occupied, to speak of these particulars now at this distance of time.

Captain Gordon.—Does sir Edward recollect in what way he was made acquainted with captain Bathurst's having been mortally wounded, previous to his going on

board the Genoa on the same evening?—I am certainly under an impression that some officer (not captain Dickinson) first informed me, in a small boat (not a regular man-of-war's boat) of captain Bathurst's wound. At one time I know there was a partial cessation of the firing, from a notion which prevailed that the Asia was on fire, or near being so, from one of the Turkish frigates which was on fire near us, and I think a boat came alongside from the Genoa, into which we threw a hawser. I remember, too, that it was of no use to us, for it slipped on the hitch. Perhaps the officer in this boat might have informed me of captain Bathurst's wound.

Captain Ommanney was called, and his attention directed by the Court to the circumstance, that, in the log of his ship (the Albion), it appeared, in the account of this battle, that one page was withdrawn and another leaf substituted; and he was required, if he could, to explain how this apparent mutilation took place. He replied that he really knew nothing about it, and that his attention had been called to it only when he was a witness here on a former day.

The President.—Mr. Judge Advocate, I wish it to be inserted on the minutes, that when captain Ommanney was asked whether he knew any thing of the removal of the leaf from the Albion's log-book and the substitution of another, he answered, he was not aware of the circumstance, or had heard any thing of it until captain Inglefield pointed his attention to it, and that he never knew any thing of it, before he saw it in Court on the first day of his examination.

Mr. Wm. Lindsay, the late first assistant surgeon of the Genoa, was next examined by the Court.

At what time did you first see captain Bathurst after he was wounded, as near as you can recollect?—About an hour and a quarter after the action commenced.

Was that about the time he was wounded?—It was immediately after he was brought to the cockpit.

Did you attend him during the whole time until his death?—No; but I saw him occasionally.

Did he retain his faculties?—For some time.

State how long, and when any change took place?—As near as I can recollect, he gradually sunk; and about one o'clock he was scarcely sensible.

Did he appear to be sensible until that time?—Partly so.

Were you present when vice-admiral Codrington visited him?—I was, when he came below.

Did you hear the conversation that passed between them?—No.

Did he appear to be sensible at that time?—Yes.

Were you present when captain Ommanney visited him?—No, I was not then in his cabin.

At what hour did he die?—As near as I can recollect about half-past one o'clock on the morning of the 21st.

The President.—I wish to ask you, if, after the captain was brought down into the cockpit, you heard him give any order, or receive any reports respecting the conduct of the Genoa: do you know of his having received any?—None that I know; except at one time that he gave an order; but it did not appear to me to be addressed to any particular person; it was to desire captain Dickinson to fight the ship, and to keep up a steady fire to the last.

The President.—Did you see

the Vice-admiral pass through the cock-pit to visit captain Bathurst? —I did.

By what officer of the Genoa was the Vice-admiral accompanied? —By our 1st lieutenant—Smith.

Had captain Smith a lantern in his hand?—He had.

Have you seen this report of the killed and wounded? (handing it to witness.)—I never saw it before.

Did you assist the surgeon in making up the list?—No, I was not consulted about it.

Sir H. Blackwood.—Does it come within your recollection whether captain Smith went into the cabin of the cockpit with sir E. Codrington to captain Bathurst, or whether it was captain Dickinson who accompanied him?—Yes, it was captain Smith.

Who else went in?—I cannot recollect whether any body else was there besides captain Smith, but he spoke to me I remember, saying, the admiral is coming.

The President.—Had any person, who had been wounded in the battle, and died in the course of the night, or within twenty-four hours after the battle was over, been returned in the general account some days after as killed in action?—I cannot say that any body died so far as twenty-four hours after the action. Several died during the evening in the cockpit, but I think captain Bathurst lived the longest on that night of those who were wounded during the battle, except captain Moore, of the Marines, who died some days after.

By captain Gordon.—At what time did captain Bathurst give the order or message to captain Dickinson to fight the ship to the last? —About ten minutes after he was brought below.

Mr. Charles Edward Andrews, purser of the Genoa in October, 1827, examined.

By which officer of the Genoa was sir E. Codrington conducted on the evening of the 20th into the cockpit, to visit captain Bathurst?—By captain Smith, then our senior lieutenant.

Were you consulted at all about making out the list of killed and wounded?—No, I was not.

Sir H. Blackwood.—Had captain Smith a lantern when he was conducting sir Edward, and did he go into the cockpit with him?—He had, and I believe he went in. Captain Smith jogged me as he entered, and said it was the Admiral.

Sir H. Blackwood.—Was or was not captain Dickinson in the cockpit with the Admiral and captain Bathurst?—No, certainly not; he was not there during the whole time.

By Captain Elliott.—Was any report made to captain Bathurst at the close of the action as to the state of the ship?—Yes, I think there was at the close of the action, or immediately after it was over, by an officer; and he made frequent inquiries how the ship got on, and was very anxious during the action: but not to my knowledge did any officer come to him, or were any messages delivered to him at these times.

By sir H. Blackwood.—Do you think that captain Bathurst considered the conduct of the ship in action was then in the hands of captain Dickinson?—Certainly as far as I could collect the purport of his inquiries, he seemed to consider the ship, after he was wounded, as being in the hands of captain Dickinson, who would, he said, he had no doubt, do his utmost. These

inquiries he frequently made of me and it was to me he gave the order, when he heard the voices of one or two men in the tier, to tell them they had no business there, and to send them aloft. Captain Bathurst considered from the first that his wound was mortal.

Captain Smith was again called and examined by the Court as to the discrepancy between the two entries in the Genoa's log; one stating that at three o'clock twenty minutes (October 20th), captain Bathurst was mortally wounded, and Dickinson took the command: and again, 21st October, 2 a. m., captain Bathurst died, and Dickinson took the command, "With reference to these entries," said the President, "I wish to know, as you had some share in making up this log, why is captain Dickinson mentioned as twice taking the command? What necessity was there of the second entry to the same effect?—At this remote period of time, being twenty-two months since the log was written, I cannot take upon me to say, why one word is omitted which would have reconciled the two entries: it appears to me that the word "temporary" should have been introduced in the first entry. Although captain Bathurst was living, but in my humble judgment utterly incapable of directing the movements of the ship, as a consequence the temporary command of the deck must have devolved upon the next officer in rank, who was captain Dickinson; and, on the death of captain Bathurst, the entire command necessarily devolved on him.

[The President, to the Judge-advocate.—Are the two different entries written in the same hand?—Yes, I think they are; but it is

in evidence, the log was made up on the 21st by the officers collectively.]

You have stated as the result of your evidence on Saturday, that a British ship of the line was for four hours engaged in very close quarters with a Turkish ship of equal force, before her fire was silenced, with all your broadside bearing upon her, except one eighteen-pounder, your stern chaser. Do you wish this fact to remain on the minutes, as your evidence is now inserted; or do you wish to alter it?—This question, I presume, implies that during these four hours, every gun of the broadside was in action.

The President.—That was my impression from you.

Captain Smith then proceeded to explain.—In the first place, it was impossible for him to say that every gun exactly bore upon that ship, or that they were pointed in the direction of it; but all he could say was, that, if every officer did his duty, they ought to have been so placed. In the next place, he remarked, it was given in evidence that springs were used; and although the time of so using was short, yet during it, the fire from the lower deck, the principal battery, must have been necessarily stayed. And again, previous to the explosion of the first Turkish frigate, and while she was drifting towards them, the main-sail was hanging from the yard, as if loose to dry, and the whole of its gear was shot away. At this time captain Dickinson judged it advisable to cut this sail from the yard, and throw it overboard, on the larboard side. To the best of witness's recollection the fire of the quarter-deck and some of the fore-castle-guns must have ceased for the

time that this work aloft was going on; but in general the guns were all properly used, and of course pointed against their proper opponent.

Captain Smith said, in his further examination, "I was obliged to show sir Edward down the gangway ladder, then down the main hatchway ladder, and along the lower deck, on the starboard side of the cockpit, because the capstan bars were then shipping, and it would have been inconvenient to take him aft along the main deck. A messenger was also passing along the lower-deck, and when I returned again to the quarter-deck with sir E. Codrington, Mr. Allen, the mate of the main-deck, came and reported to me that the capstans were already set.

The President.—Did the Vice-Admiral make any remark on hearing your capstan bars shipped as he passed?—None that I recollect.

Sir H. Blackwood.—Did you return by the same ladders?—I believe we did.

Sir R. Otway.—You mention the capstan-bars being shipped, was the messenger let down? Were any nippers passed, or any other preparations made for going to sea on that night?—To the best of my recollection every such preparation was making, but no report had then been made to me of the nippers having been passed.

Captain Schomberg.—Did you ever see captain Dickinson in the presence of the Vice-Admiral, after the action, at any time?—I saw him in the presence of the Vice-admiral, on the quarter-deck, at the time the latter was on board to see captain Bathurst, but to the best of my recollection at this moment, I never did afterwards.

Did any conversation then pass

between the Vice-admiral and captain Dickinson, and what?—To the best of my belief, when they began to converse I retired aside, and did not hear it.

In answer to questions from the President, captain Smith said, that he could not say whether sir Edward Codrington knew him, when he saw him on the night of the 20th, but he thought he did, for he had served under him as fourth lieutenant sixteen months, in the Mediterranean, in the Blake frigate.

Have you served under sir E. Codrington since the battle of Navarino?—Yes, I commanded the Brisk, under the orders of sir Edward Codrington, from March, 1828, till the time I resigned the command, I think in July last, and he never on any occasion either directly or indirectly made any complaint or remark on the conduct of the Genoa during the battle of Navarino.

Tuesday—Sixth Day.

Sir Edward Codrington was called as a witness upon the charge, that the Genoa had been culpably tardy in refitting after the battle. The Vice-admiral's statement was, that, although the Genoa had not been damaged so much as other ships in the fleet, she was tardy in her movements, and her delay impeded the execution of his intention to send the ships to England to refit. He added, that he requested captain Ommanney to desire captain Curzon, or any other officer on deck, to make a signal to the Glasgow, to send an officer and watch to assist the Genoa. He did not precisely recollect the time, but thought it was on the 22nd.

[Upon reference to the log of

the Genoa, it appeared that it was on the 24th the assistance to refit was sent from the Glasgow.]

Captain Ommanney spoke to the complaints against the Genoa for her slackness in refitting. On the morning of the 24th, as he was going from the Albion to the Asia, he called on board the Genoa, which seemed to be in great confusion, and there was still a good deal to do in the equipment. On going on board the Asia he stated to the Admiral, in his cabin, that he thought the Genoa would not be ready for some time, and suggested it might perhaps be requisite to expedite her repairs by sending an officer and one watch from either of the large frigates to help. Sir Edward Codrington desired witness immediately to desire captain Curzon to make a signal to that effect, which was done at the moment. On the subject of the equipment, he could not take upon himself to say there was any unjustifiable tardiness; but, on sailing from Navarino, he knew the Genoa was astern for three days, when, on the evening of the 3rd day, the Admiral gave a signal for the Albion not to lose sight of her. On the following morning they had signal to proceed with all possible haste to Malta. Shortly afterwards the Genoa passed the Admiral, and arrived in port the day before him. With reference to the falling of the Genoa's mizen-mast on the morning of the 21st in Navarino, he could not say that the confusion, which he observed on board the ship, was attributable to the manner in which captain Dickinson and his officers appeared to place the men to their work, for he was not on board long enough (not more than ten minutes) to judge of the ap-

parent arrangements. The Genoa had suffered very much in her masts, and there was certainly a good deal to be done. Captain Dickinson and lieutenant Smith were both on the quarter-deck at the time, and they seemed busily employed performing their duty. In remarking to the Admiral upon the necessity of more men for the Genoa, he was influenced by an opinion that she had not a sufficiency of men, rather than an imputation upon her want of proper arrangements. In fact, he knew nothing of her arrangements; but there appeared to him to be so much to be done, that it could not be speedily completed without further assistance. The whole squadron sailed from Navarino on the 26th of October. He had never intimated to captain Dickinson that he meant to propose to the Admiral to send to the Genoa farther assistance, nor had captain Dickinson told him he could not get ready for sea without it, as far as he recollected at this distance of time. Captain Dickinson appeared to him to be exerting himself as much as he could in conducting his duty in the ship, which was much disabled in her masts and rigging.

Captain Maude, of the Glasgow, in his examination, confirmed the fact of the signal having been made from the Asia to the Glasgow on the morning of the 24th of October, to send an officer and men to assist in refitting, which order was complied with. While these men were on board the Genoa, the witness said, he went there also on the 24th, when he observed the Glasgow's men employed on the main rigging, and others mending the main sail; there were perhaps from 80 to

100 of these men on board the Genoa during a part of that one day. While he was there, he conceived the duties of the ship were carried on with more noise than he thought there ought to have been. He had no reason from any thing he saw to impute the tardiness to captain Dickinson; but he knew generally that there was dissatisfaction at his tardiness in refitting.

Wednesday—Seventh Day.

When the court assembled at nine o'clock this morning, captain Dickinson said, that, as sir Edward Codrington, in his evidence of yesterday, had mentioned that he wrote to the Admiralty after his arrival in Malta, complaining of the tardiness of the Genoa, he was anxious the Court would have the goodness to write to the board for that document. The Court immediately directed the judge-advocate to write for it at the defendant's desire, but, at the close of the day's proceedings, captain Dickinson withdrew this request.

Mr. Andrews, the purser of the Genoa, was recalled, and further examined.—In answer to questions from the Court, he said, respecting the falling over of the mizen-mast, that he was on deck at eight o'clock on the morning after the action. Captain Dickinson was there, as the mizen-mast tottered, when the men were called away to prevent their falling overboard. He knew not what steps were taken to prevent this. His reasons for apprehending the mast would fall, and wishing the men to be called down, were, that there was a light breeze of wind, and he plainly saw the mast totter. [He here described technically the injuries received by the ship.]

Returns were put in from the ordnance-books of expenditure of powder, &c., by the Asia, Genoa, and Albion. It appeared from these, that, in the battle of Navarino, the Asia expended 9,298lb. of powder; the Albion 11,902lb., and the Genoa 7,089lb., with of course the usual complement (as the sailors called it) of round shot, small shot, grape, canister, &c. &c. The extracts from these ordnance returns were then entered upon the minutes of the Court. At the same time, the Court decided that the gunner of the Genoa should be sent for and examined as a witness. It appeared that this officer wrote to captain Dickinson within a few days, to say that the Genoa had expended at Navarino above 10,000lb. of powder.

Captain Smith was recalled to state what he knew of the falling overboard of the Genoa's mizen-mast, on the morning after the battle. He said—I cannot speak as to the number of shrouds which were shot away, or the stays; but I believe both stays and most of the shrouds were so. We turned to, as soon as we could, to secure our main and mizen masts. He then described the means taken to repair this damage, and prevent further injury. It was, he said, while they were in the act of unfitting the mizen-topmast, with a purchase perfectly perpendicular, when a puff of wind came off the land, between the starboard quarter and beam, they then perceived the mast to totter, or settle, which, in some measure, slacked the rigging. Considering its fall to be immediate, the men were called out of the top, and had scarcely reached the deck, when the mast went over the side. They had at this time

begun to sway upon the topmast. They began to secure the mizen-mast early, and some of the preparations for that purpose were made over night. In his opinion every proper precaution was taken in the morning to secure and save the mizen-mast. [Here captain Smith put in a minute, which he took himself immediately after the battle, describing in detail the nature of the mutilation of the masts, rigging, &c.]

Captain Ommanney was called in and informed by the President, that the Court had now before them the gunner's returns of the magazine expenditure for the month of October, 1827, and afterwards, but the return from the Albion did not appear to have been signed by the captain. The latter said, he could only account for the circumstances by the gunner not having brought it to him. All his own accounts were regularly passed and signed, and, in fact, he had received his pay from them. It was not his business to look after the gunner to sign such papers; he thought the gunner should have sought him for the purpose. He could not, he said, account for this omission.

The Court proceeded to the 8th charge, imputing to the Genoa having continued to fire after the action was over, to the risk of the allied ships, until she was hailed off by the Asia.

Sir Edward Codrington.—Towards the close of the action, one of the Egyptian frigates, next to Moharem Bey's ship, was on fire, and appeared to be drifting down on the Asia. The last part of the Asia's action with any ships of considerable force was with the ship on fire and Moharem Bey's. The latter had been silenced and

gone away adrift. The situation of the Asia at that time being in a line nearly with the wind, and the horse-shoe line of the opponent entirely enveloped in smoke, was in a great measure invisible to the ships in the line at the head or stern of her. A cessation of the firing seemed to me to take place, and, as I subsequently learned, from anxiety about the situation of the Asia, each ship being desirous of affording assistance to her. At this moment the frigate in question exploded, and upon the smoke clearing away, I had a pretty good view of the condition of the ships around me. Some of them, not immediately contiguous to the Asia, recommenced firing, but, as I stated in a former part of my evidence, I do not think the Asia fired a gun afterwards in battle. Observing the Genoa firing at this time, and not seeing the reason for her so firing, but thinking that she was likely to damage some of our own vessels, I hailed her I think myself, and desired her to cease, and she did cease accordingly. Such was the overpowering density of smoke on board the Asia from the Turkish frigate on fire near us, that I really thought we had her close aboard, and the same opinion prevailed throughout the fleet, by the anxious desire of every ship to send us assistance. Nevertheless, when the smoke cleared off, we ascertained, beyond all question, that the frigate was never within a cable's length of us; in fact, she had never changed the position of her anchorage, and when we sailed out of Navarino, her wreck was still upon her anchors.

Sir Henry Blackwood.—It was very lucky for you that she held so fast in her position, or she might have blown you up with her.

Sir Edward Codrington.—Yes, we might have fared differently, instead of only having pieces of her, as well as of her crew, showering down upon us.

Thursday.—Eighth Day.

On the next charge sir Edward Codrington deposed as follows:—Captain Dickinson, after presenting to me some official papers (I don't remember what) in the Asia's cabin (I am pretty confident at Navarino,) said—"Sir Edward, here is a letter which the ship's company of the Genoa desire that I would present to you, which I at first refused to do; but upon their saying if I did not take it they would themselves send it, I thought it most respectful to you to present it myself." He then gave me the paper in question. Considering it as one of those complimentary effusions, of which sooner or later, I had a vast number, I believe, from every ship, and having plenty of important matter at that time to attend to, I did not then read it, or take any further notice of it. Subsequently, I think when lying ill in my cot, I read this, with other papers which I had been reading of minor importance; and when well enough, and sufficiently unoccupied to consider the subject, I sketched out a letter to captain Dickinson in answer. That letter was expressive of my opinion of this act of insubordination, considering it as really coming from the ship's company of the Genoa. I therein directed that he would turn the hands up and explain to them the impropriety of their conduct. The letter stood over until our arrival at Malta. I was told by captains Ommanney and Spencer, that captain Dickinson had expressed great contrition

for the error he had committed, and they believed that his error was inadvertent. They earnestly requested of me, to permit the letter to be withdrawn. In consequence of this I desired to see captain Dickinson, and when he waited upon me, and so expressed his contrition for this declared inadvertency, I asked him how long he had been in the Genoa: he told me, in answer, about five months. I asked him how he could expect me to believe, that, after being only five months in the Genoa, and not being the captain of her, they could be so attached to him as to have sent me such a letter; and under a conviction that the document in question did not in reality emanate from her crew, and thinking under all the circumstances that it would be best for his majesty's service I should take no other notice of it, I gave back into his own hands the letter, as well as the sketch of an answer which I had prepared, as I have mentioned. I desired him to weigh well the contents of the document itself, and my answer to it, before he destroyed them, as I presumed he would, and I then informed him that I had retained no copy of either. The substance of this document was, that "the petty officers and ship's company of the Genoa were much delighted at the noble manner in which your honour led the ship into battle with the Turks, and congratulate you upon the great and glorious victory you have gained, and we are particularly pleased at the manner in which our late gallant captain brought the ship into action, and conducted her until he was mortally wounded. Since we have lost him, we beg to inform you, that there is no officer in the fleet

we should like to serve under so much as captain Dickinson: we therefore hope your honour will appoint him to command the Genoa in his stead, in preference to every other officer."

Sir Edward proceeded as follows—having his letters before him as he detailed his evidence, and reading extracts from them—"A question arose respecting the conferring of honorary distinctions upon commander Dickinson of the Genoa, and commanders Baynes, of the Asia, and Campbell of the Albion. Captain Dickinson, by some mistake, had been allotted two Russian distinctions,—one through prince Lieven, in England, and the other through count Heiden, in the Mediterranean. I say, by mistake—because it was clearly not the intention to give two honorary distinctions of the same nation to any officer of the fleet, and one was conferred in one place, without its being known that another had been given elsewhere; in fact, there was a great confusion in these arrangements, some being distributed here, while others were sent to the Mediterranean—some officers being on the voyage home, and others going out. I explained to the Admiralty that it must be a mistake, and I expressed my regret that captain Dickinson, of whose conduct in the battle I, as commander-in-chief, did not approve, should have any honorary distinction, when those, which I had given through the instructions of the Admiralty, to captains Baynes and Campbell, of whose conduct I approve most highly, should have been taken away from them. I delivered the fourth, or the order of St. Wladimir, to captain Baynes, in the Mediterranean; and captain Campbell having come to England, I sent his back to the Admiralty.

I was then asked by the Admiralty the grounds of my disapprobation of captain Dickinson, and thinking that their lordships had taken the same view which I had of what was equal justice in the distribution of these honorary distinctions, and were desirous of having before them such a statement from me, as commander-in-chief, as would either lead to their giving captain Baynes the same honours which were possessed by captain Dickinson, or taking from the latter that conferred upon him, so as at least to place them on the same level, I repeat I made a statement to the Board of such part of the disapprobation which I felt with captain Dickinson's conduct, as I thought would answer the object. Upon receiving that statement, without further communication with me, I was informed by the Board, that they had ordered this Court-martial, and that the deputy Judge Advocate was referred to me for evidence, as well as for the means of carrying on the prosecution. I presented myself at once to lord Melville, and told him the object for which I had written the letter, and repeated a former conversation which I had with his lordship, which I thought had finished this subject. I said I regretted extremely a Court-martial having been ordered in consequence of that letter, and that, having passed by all I had disapproved of in captain Dickinson at the moment, it was quite contrary to my feelings that he should ever be tried for these offences: that I was well aware of there being a power to that effect given in the new instructions, but that it was one I never should willingly exercise, having a strong opinion of its injustice. Lord

Melville told me, that the order having been promulgated would not be withdrawn; and after I had stated to him, that if consideration for captain Dickinson, with a view to enable him to clear away the disapprobation I had expressed, was the object of the Board, it would, by coming to be in some measure a Court-martial on me, for bringing comparatively slight charges at an unusually distant period, oblige me to state all I had to allege against that officer's conduct. Lord Melville then observed, that, under the circumstances, although it was not his business to advise me, he thought it due to myself and to the public service that I should state all the points of captain Dickinson's conduct of which I had disapproved, and of which I had already given his lordship a circumstantial account. Seeing the matter brought to this extremity, my answer to the Admiralty was so worded as to give an opening for their withdrawing the order; and I added my opinion, that, if persevered in, it would not have the effect of clearing captain Dickinson, but would, as I thought, be more injurious to him. I was, nevertheless, directed by the Board to state all the points of my disapprobation, and further informed, that they would withdraw the first order for trial, grounded on my earlier letter, and issue a new order upon the later one.

Captain Ommanney was again examined.—He said, that while in Malta sir Edward Codrington showed him a letter which had, he said, been delivered to him by captain Dickinson, who said it came from the ship's company, conveying a request for the latter's appointment to the command of the

Genoa, in preference to any other officer, with some other complimentary or congratulatory matter, to sir Edward himself personally. "I think I said to him at the time," added captain Ommanney, "that I was sorry to see such a thing, and it was wrong in captain Dickinson to have presented it. We had a good deal of conversation about all the bearings of it, and sir Edward said, he had taken no steps about it, but would send it to the Lord High Admiral. I asked him to have the goodness to send for captain Dickinson, in the hope of having some explanation, to lead to the withdrawal of such a letter, and that the business should go no further. Some days afterwards captain Dickinson came on board the Albion, and expressed his regret for what had occurred.

Friday—Ninth Day.

Captain Dickinson produced the round robin. It was as follows:—

*"His Majesty's ship Genoa, at sea,
Oct. 31, 1827.*

"The humble petition to your honour of the petty officers, seamen, and marines of his majesty's ship Genoa.

"With gratitude they thank your honour for the able manner in which you led them to action, and most heroically supported them in it, and hope your honour will long live to enjoy the merited rewards of your noble conduct.

"Your petitioners beg leave, with all humility, before they leave the station, to express to your honour their feelings of sincere regret for the loss of their late lamented commander, whom they ever found a father and a friend; and your petitioners, with all humility, beg to express their joy at finding his loss supplied by their present worthy commander.

"They had before found him, as an officer, active and able in the execution of his duty, as well as gentlemanly in command; but they have now found him, in the moment of danger, a leader under whom they should never fear any enemy.

"They therefore humbly solicit your honour to represent their feelings to his royal highness the Lord High Admiral.

"And your petitioners hope that your honour will permit commander Dickinson to take the ship home, as captain, in the event of her going to England.

"We are, honoured Sir,

"Your most obedient and humble servants,

"THE CREW OF HIS MAJESTY'S SHIP GENOA.

"To Vice-admiral sir E. Codrington, K.C.B., &c. &c. commander-in-chief in the Mediterranean."

Sir Edward Codrington was called on the subject of the identity of the letter called the round robin, and he was examined as follows:—

Is the letter now produced that which you received on board the Asia from captain Dickinson?—After looking at it carefully, sir Edward said, I cannot positively swear to it, but I believe it is.

Sir Henry Blackwood.—Look at the outside of it, perhaps that will assist you? I am satisfied it is, and I am wrong as to the place; it is dated, I see, the 31st of October, and at sea; then I am wrong in my former evidence, where I said it was given to me at Navarino; we were out of the port on the 25th of October.

Mr. Andrews, the purser of the Genoa, was called to speak to the circumstance of the round-robin. To the best of my knowledge, said he, the letter in court is the same, but by whom written I can't say. About the 4th of November, 1827, captain Dickinson told me he had received a letter from the ship's company, and was requested by them to forward it to the commander-in-chief, showing me at the same time this letter. I told him that, were I in his situation, I should not send it. Captain Dickinson observed to me, that, if he did not do it, he was given to

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understand they would themselves do it. I told him I did not like the latter part of it, and captain Dickinson said, that he was himself fearful the admiral would be displeased if it was to go at all, if it came through anybody else. I went on board the Asia at Malta, two days afterwards, and saw captain Curzon on the quarter-deck, who said to me, "Andrews, captain Dickinson has got himself into trouble about that letter." I told him I was sorry for it, and that it was done against my wish. Captain Curzon said to me afterwards, that he thought captain Dickinson might write another letter to ask to withdraw the first one, and he thought the admiral would do it. I returned to the Genoa immediately, and told captain Dickinson what had just passed. He said he would go and consult commissioner Ross, and he left the ship immediately, I believe for that purpose. On his return on board he told me he had seen the commissioner, and also captains Ommanney and Spencer, who wished him to write a letter, withdrawing the other, adding he wished me to sketch out one for him. I did this, and with his assistance prepared the letter which went to the admiral. On captain Dickinson's return on board the Genoa, he told me he had seen the admiral, who was satisfied with his explanatory letter, had returned to him that of the ship's company, and given him one which he (the admiral) had prepared in reply, and that he should hear no more about it.

On the tenth day of the sittings of the Court Martial the case for the prosecution was closed. The

proceedings of the next four days were immaterial. On the fifteenth day captain Dickinson read a written defence, and on the sixteenth (Sept. 12) he proceeded to examine witnesses.

Commissioner Ross.—As commissioner of the dock-yard in Malta, orders had been given him to hasten the Genoa's repairs, before the winter season had set in. Her cathead was shot away; there was a great breach in her heavy iron work, great alterations in her sails, and all or most of her boats were repaired. He remembered at the first public dinner given by the Vice-admiral at the Admiralty, on the return of the squadron from Navarino, to have seen captain Dickinson there; this was after the affair of the letter from the ship's company, and he conceived from that circumstance that the admiral had fully forgiven the captain. The witness said, he had known captain Dickinson for fifteen years, and his general character as an officer, as far as it fell under his observation, was that of a man who had risen entirely by his own merits. He first knew him in active service under sir George Cockburn, who, upon his appointment to the North-umberland, which witness then commanded, brought him out as his lieutenant. It was his services only which brought him under the notice of the Admiralty.

In answer to questions from the Court, he said, that, of the three ships, the Asia, the Albion and the Genoa, the greatest damage from the battle was sustained by the Asia; of the comparative injury of the two others he could not decide which was the greater. The repairs of the mainmast of the Genoa, which were done at

Navarino, were remarkably well done, and brought the ship to England, and there were other repairs of consequence rendered necessary by the action which were done previous to the ship's arrival in Malta. He thought, from what he saw, the most work must have been done before their arrival on board the Genoa.

Captain Robinson deposed, that the enemy had fired a marble shot, which struck the Genoa on the main deck, starboard side, came in contact with the arm of the after gun, killed several men, and splinters of this shot came on the lower deck. He spoke in the highest terms of the exertions of the men to refit the Genoa after the battle, and said she was soon ready, if necessary, to resume the action. Capt. Dickinson's conduct throughout the battle and after, was that of a zealous officer, and nothing was left undone on his part in furthering the service. As far as his observation went, he considered the Genoa had sustained more damage than either the Asia or the Albion.

Lieutenant Sturt, of the Genoa, deposed, that, on the evening after the battle, about seven o'clock, he heard that captain Dickinson went on board the Asia. On his return, he went through the Genoa to see in what condition she was, after which he ordered witness to go on board the Asia, and report that the Genoa was in such a damaged state she could not leave the harbour that night. He obeyed this order, and reported it personally to either captain Baynes or the officer of the watch, he was not sure which. The message was, that the masts and rigging of the Genoa were in such a disturbed and tottering condition (describing

the particulars), it was impossible to refit for sea on that night. Three or four minutes after he gave his message on board the *Genoa*, the Vice-admiral asked him if he was an officer of the *Genoa*, and on his replying in the affirmative, he inquired how captain Bathurst was, and he answered that he was still living, but without the slightest hope of surviving through that night. He then asked, if he thought it would be any satisfaction to captain Bathurst, if he were to go on board and see him, when witness said, he thought it would gratify and console him. He then asked where his (lieutenant Sturt's) boat was; he replied she was in a sinking state, full of water, with only two men in her. The Vice-admiral replied, "never mind, I have no boat at all, and I will go with you." They were proceeding together to the gangway, when a full-manned cutter from the *Albion* came alongside, and the admiral descended into her, and proceeded on board the *Genoa*; witness following in his own boat. He could not say whether his message was or was not delivered to the admiral. When the latter came on board the *Genoa* on that evening, he perfectly well remembered captain Dickinson, when he joined the admiral, apologizing for not having been present to receive him when he came on board; but his attention was at the moment called away, and he did not hear any further conversation except the captain's telling the admiral that he had been looking after the quarters, and getting them ready for further action, to which the admiral answered, he could not be better employed. Witness took the admiral back to the *Asia*, and while descending into the boat,

he heard sir Edward Codrington express his approbation of the fine style in which the *Genoa* was fought; his words, as well as he recollected, were in praise of the fine, or beautiful, position taken up by the ship, and the gallant manner in which she had maintained it. On the morning after the battle, witness said, he was compelled to be placed on the sick list, in consequence of a wound which he had received in the action.

Seventeenth Day—Monday.

At the meeting of the Court, at nine o'clock this morning, Mr. Minchin tendered a medical certificate on the part of his client, captain Dickinson, attesting the fact of his illness from cold and fever, and his consequent inability to attend this day. The Court was cleared for about an hour, when, on the re-admission of strangers, the assistant-surgeon of his majesty's ship *Victory* was deposing to his having seen captain Dickinson, who could not safely expose himself to the weather this day. He thought that probably he would be able to attend to-morrow, to which time, at ten o'clock, the Court adjourned.

On the subsequent day various witnesses were examined to disprove the charges.

On the 18th day of the investigation captain Dickinson closed his case.

The Court here recalled captain Smith, and he was examined as follows:—

The President.—I wish to ask you, captain Smith, a question which I once asked you before, and which not being fully explained, I had hoped we should have obtained

information upon it from some of the other witnesses; that not being the case, I am now under the necessity of repeating it to yourself, and the Judge-advocate will read the particular question to you.

The Judge-advocate put it as follows:—It appearing from the evidence of the officers of the *Asia*, that the *Asia* silenced the fire of her opponent, a Turkish eighty-gun ship, in the space of one hour from the commencement of her fire upon her; and it appearing also from the evidence of the officers of the *Genoa*, that the *Genoa* was placed in the best possible manner for firing upon her opponent, a Turkish seventy-four; and the master of the *Albion* having given in evidence that the fire of the *Genoa* was worthy of a British man-of-war, and it appearing also in evidence, that the *Genoa* was engaged with her opponent for three hours and a half or four hours, before the fire of the latter was silenced, I wish to know to what cause you attribute it, that, under nearly similar circumstances, there should have been so great a difference in the effect of the fire upon their respective opponents, as appears was the case with respect to the *Asia* and *Genoa*?

Before the question just put by the Judge-advocate could be answered, the President said, "I ask you this question as an officer who has paid, and properly paid, the minutest attention to every thing which occurred at the time. Indeed, under any circumstances, I should appeal to you, not only for answers to particular questions, but for any general narrative of whatever fell under your observation in this action, from the manner in which you have already spoken of all the events."

Captain Smith.—Sir, I have no means of accounting for it, except as matter of opinion. I had expected that the fire of our opponent upon the *Genoa* would have been totally silenced before the action was half over; and I remember remarking to captain Dickinson something to this effect:—"What a tremendous licking this fellow takes," when I thought he had had enough of it. I can only account for it as a matter of opinion on this way:—After the springs of our opponent were shot away, the springs and cables of the *Asia*'s opponent were also shot away, and the *Asia*'s opponent had swung in-shore of our's, and athwart her hawser, being then unable to bring a gun to bear; and at that time I think the *Asia*'s opponent's crew had joined our opponent's ship, and fought on, for in fact she never struck; her flag was always flying somewhere—over her side, when shot away elsewhere. We heard afterwards she was as perfect a wreck as could swim; her beams cut, her bolts falling through, and every thing gone. This we heard from an officer of the *Albion*, who had afterwards gone on board her. I can only, I say, account for her obstinacy, by the crew of the one ship joining the other, when their own guns could no longer bear. I ought to add, respecting the relative force of the *Asia* and *Genoa*, the *Asia* had thirty-two-pounders throughout, while we had much less.

The President.—What was the relative difference of metal between your respective opponents, both as to weight and number of guns?—To the best of my recollection, the *Asia*'s opponent was an eighty-four, our's a seventy-six, and as to the difference of metal between them,

I am not aware of any, so as to speak positively. Our opponent had the only gun in the fleet for throwing a stone shot.

The President.—That would account for the damage done by her to the Genoa, but not by the Genoa to her.

Witness.—I am quite aware of that, sir. I was merely stating what I heard to be a fact.

Do you know what was the weight of metal upon the decks of the ship opposed to the Genoa?—To the best of my belief she was heavier on both decks than the Genoa.

What is your reason for that supposition?—From the diameter of the shot, throughout, which we generally received.

Do you know that she had heavier shot on her main-deck than our eighteen-pounders?—I cannot speak positively, but I do not remember that any of the shot that the Genoa received was of the diameter of an eighteen-pounder, but exceeded it.

Did you make the same remark upon the shot proceeding from her lower deck?—Yes.

Do you know whether any of her shot was ever weighed on board the Genoa?—I will not speak positively, but I think I weighed some myself.

In what manner was your opponent armed upon the quarter-deck and fore-castle?—I will not speak positively, but I think with carronades.

Have you ever been in action with a French man-of-war?—Never.

Was the fire kept up by your opponent unceasingly, or in the manner the Turks sometimes do, stopping at considerable intervals. I know, continued the President,

after the first broadside or two, they sometimes go on after a quarter or half an hour, but how was it on this occasion?—It was not an incessant fire—they stopped several times—their fire was not so good as ours—while they, I recollect, ceased at frequent intervals.

Admiral Otway.—When your opponent ceased firing at these intervals, did the Genoa knock off firing also?—I cannot positively say that our firing was wholly stayed, because her colours were never struck—I mean there was no total cessation throughout the ship.

What was the diameter of the smallest round shot that struck the Genoa from her opponent?—To the best of my recollection, five and a half—but by looking at my paper I can tell you exactly. (Here he was permitted to look at his paper, after which he said) There were two at four and a half, I see, (which were twelve-pound shot;) the greatest diameter was seven and a half, except the stone shot, which was ten and three quarters.

Sir H. Blackwood.—The Turkish ships have shots of different diameters on all their decks.

Captain Elliott.—Where did the seven-and-a-half strike?—At the counter, at the larboard side, I think.

And the four-and-a-half shot, where?—One at the lower deck; I forget where.

Where did the stone shot come in?—I think it was a sixty-eight pounder, which went right through the starboard side, and embedded in the larboard.

Nineteenth Day—Wednesday.

The Court assembled at nine o'clock this morning, and immediately proceeded, with closed doors,

to go through the principal parts of the evidence, which were read by the judge-advocate from his notes; a duty which occupied him for the space of seven hours. The following day was entirely spent in deliberation upon the judgment, and the length of the consideration was rumoured chiefly to appertain to a difference of opinion upon the point of adding epithets, by way of characterizing the sense entertained by the Court of the nature of the charges. On Thursday, September 17, at four o'clock,

The judge-advocate read the judgment, which was as follows:

"Pursuant to an order from the right hon. lords commissioners of the Admiralty, dated the 18th day of July, 1829, and directed to the president, setting forth that their lordships had received from Vice-admiral sir Edward Codrington three letters, of the dates stated in the margins, setting forth the particular instances in which he had reason to disapprove of the conduct of captain Richard Dickinson, C. B., on board his majesty's ship, *Genoa*, during the action that took place at Navarino, on the 20th of October, 1827, after he had assumed the command of the said ship, in consequence of captain Bathurst being wounded and taken off the deck; and of his subsequent conduct on board the said ship until his arrival at Malta; the Court proceeded to inquire into the conduct of captain Richard Dickinson, C. B., on the occasions stated by the Vice-admiral in his said letters, and to try him for the same; and having heard the evidence produced in support of the charges, and by the said captain Richard Dickinson in his defence, and what he had to allege in aid thereof; and having maturely and

deliberately weighed and considered the whole,

"The Court are of opinion, that the charges have not been proved against the said captain Richard Dickinson,—that the charge stating 'that the account of the battle given in the *Genoa's* log-book, erroneously implies that the *Genoa* had three Ottoman ships of the line opposed to her on the starboard side, three 60-gun frigates on her larboard side, and a-head; a double-banked frigate a-stern,' is frivolous and groundless.

"That the return made by captain Dickinson, 'that captain Bathurst was killed in action, knowing that he did not die until many hours after the battle was over,' was made without the slightest appearance of any improper motive.

"That the charge, stating 'that the *Genoa* continued firing after the battle was over, at the risk, and to the probable injury of the allied ships, until hailed from the *Asia* to cease,' is vexatious.

"That the letter presented by captain Dickinson to sir Edward Codrington, purporting to come from the crew of the *Genoa*, and desiring that Vice-admiral sir E. Codrington would appoint him in preference to any other officer to succeed captain Bathurst, as captain of the *Genoa*, appears to be a petition, which was presented without any improper motive being imputable to captain Dickinson; but in presenting which, he was guilty of an impropriety for which he has already received the reproof of his commander-in-chief. And the Court doth adjudge the said captain Richard Dickinson to be honourably acquitted, and he is hereby honourably acquitted accordingly."

Sir Robert Stopford, the President, then rose and said, "Captain Dickinson, I have the honour of returning you the sword which you have worn, and which has not been dishonoured in the service."

Captain Dickinson, in receiving it, made a low bow to the Court, and the members instantly withdrew, the President having said,—
"This Court is now dissolved."

CORK SPECIAL COMMISSION.

Conspiracy to Murder.

Friday, Oct. 23.

Mr. Baron Pennefather and Mr. Justice Torrens having entered the court, the prisoners were placed at the bar, and the clerk of the Crown called on them to say if they were ready for their trials. They all answered that they were; the panel of jurors were called over, and many of them were challenged.

The jury having been sworn, four of the prisoners, John Leary, James Roche, James Magrath, and William Shine were put to the bar, charged with a conspiracy to murder George Bond Low, Michael Creagh, and Henry Evans, esqrs. In one of the counts, John Leary stood indicted for soliciting, encouraging, and inciting David Sheehan to the commission of the said murder.

The Solicitor-general stated the case.

David Sheehan, an approver, was the first sworn. Knew John Leary, of Rossas, the prisoner at the bar; met him at Ned Roche's public-house, in Doneraile, but had previously met him on the road, near Rossas, where he lived; had a conversation with him; desired him to meet him (the prosecutor) on Wednesday or Thursday, at Roche's public-house, as

"the boys" would be there to see him; witness went there, and saw Leary, Shine, Owen Hickey, Michael Wallace, Charles Daly, John Magner, and Timothy Connors; 'twas late in the evening when they met, and had drink; all the people were within before him, and Leary was the first man who spoke to him. He presented him with a tumbler of porter, and then asked "the boys" if they were ready to do what they promised, and they said they were; on which he (Leary) drew out a piece of paper, and signed his name, and then desired them to do the same. He then pulled out a book, and swore them; the words were to "shoot Mr. Low," which they all agreed to; it was decided that Leary should send them notice, and they were "to be ready, unless they were sick or sore;" witness himself was sworn at the time by Leary. Never went with any of the party who agreed to fire at any of the three gentlemen. Wm. Shine was the first person who took the book, and said that "he would be the first man to kill captain Creagh, who transported his brother." They all then swore, and agreed to kill the three gentlemen—adm. Evans, Mr. M. Creagh, and Mr. B. Low. Recollects having heard of Mr. Low being fired at. Knows a man named James Magrath, who is a cousin of the witness. Knows James Roche; both are in the dock. After the firing at Mr. Low, he met Roche near Mr. Nagle's, at Wallstown, where they talked about firing at him, and Roche said, it was unfortunate that they had missed him, but that in a short time they hoped to be more successful in killing him. Witness was not taken up for this offence, he surrendered himself.

William Nowlan.—Was sworn

often to do things as a Whiteboy ; there was a committee formed, and Leary was one of them ; the reason he knew him to be of the committee was, that he (Leary) used to send them to "do things out of the way." On the day at Ned Roche's, Leary took a book out of his pocket, and swore the men to kill admiral Evans, capt. Creagh, and Mr. Low ; the reason they gave for killing Mr. Low was, that he was a leading man in the county ; that admiral Evans, when in Parliament, was against the Roman Catholics, and captain Creagh was very severe on his tenants. They appointed a time to kill Mr. Creagh, that was when he was to dine at admiral Evans's ; 'twas two nights after, that they fired at the carriage ; it was not the first night that they appointed, and the reason was, that Leary heard that he (Mr. Creagh) would not dine there on the day appointed. The next morning, about nine o'clock, he met Roche in his own field, and he accused him of not attending, and then told him he had fired at Dr. Norcott's carriage, mistaking it for captain Creagh's. Had a conversation with James Magrath about it. They were sworn by John Magner to go to Mallow fair to shoot Mr. Low ; did not hear Flynn say any thing about him. The men had fire-arms, and were cleaning them ; Roche had an iron blunderbuss with him ; he had a brass one also : the place they fixed on for shooting him was Mr. Glover's ground ; witness did not go with them that day, but was to have gone to the fair for the purpose. The day after Mr. Low was fired at, Roche came to witness's house, and told him, he (Roche) never got such a fright as he had ; he said that, when Low came up, Pat Magrath fired, and that he

(Roche) did not like to fire, for there was a woman close after him, and he was afraid he would shoot her. He said that Mr. Low saw him, and that he (witness) ran away, and escaped by the side of a ditch : he also said that they had arms. Roche also said, that Pat Magrath was taken ; that he pushed him along one field, and then he hid him ; and that he was a sot, and it was on that account that he could not escape ; heard Magrath was hanged for the firing. About a fortnight after Magrath was hanged, he met Leary on the road from Buttevant, and he told witness that he would make up a party of "good boys" to kill Mr. Low ; saw him afterwards in Doneraile, when Roche and Lynch were present ; and Leary then said, that "he (Low) should be shot when going to the West," and that it should be done at Mr. Nagle's shrubberies, at Ballinamona ; left Leary in the tent at Rathclare, and he went out, because he expected a fight at the fair ; was at Kildorrery fair, but does not recollect the day ; Roche and James Magrath, Charles Daly, and Pat Lynch were there ; they talked about killing Mr. Low when going home from the fair. James Magrath said, he would do so, to have revenge for his brother. Magrath had a pistol, and Roche a blunderbuss ; it was to be done between Kildorrery and Farrahy ; witness, Roche, Magrath, and Lynch, were behind the ditch when Mr. Low passed, and Mr. Nagle with him, and they told him they would not fire for fear of killing Mr. Nagle ; they were riding at the time, and passed by while they were lying down ; they then hid their arms, and went back to the fair ; the same evening they got their arms.

John Norcott, esq., M. D.—Re-

collects having had an invitation to dine, from admiral Evans on the 20th of January. Mr. Michael Creagh was there; the invitation was on Saturday, but declined it, and went on Tuesday; left admiral Evans's about half-past ten o'clock. Mr. Creagh left the house first; witness came in his own carriage, and his two servants were on the box; the colour of the carriage was yellow, and Mr. Creagh's was the same. When about a mile or a mile and a half on the road near Ballinamona, heard a shout or call, and afterwards a shot, and then followed another. His daughter was with him, and he desired her to be quiet, that the danger was then over, that their ammunition was expended; three balls entered the carriage; three wounded the servants, and three struck the carriage without entering. Extracted the ball out of his footman's shoulder. After the firing he put his head out, and inquired if his men were wounded, and the coachman said, he was severely, but that he could drive; after going on some distance, he said he could not drive farther. There were two carriages before, and two after witness's carriage. Mr. Creagh's was immediately before witness's.

Several other witnesses were examined to corroborate the informer's evidence, and Mr. Creagh deposed to the same facts as Dr. Norcott.

G. B. Low, esq. examined.—Had been a magistrate from 1821; attended the insurrection sessions; was fired at coming from the fair of Mallow, on the 2nd of March; saw two men on that day; his mare was shot, and his hat fell off; just passed a woman, before he was fired at; was present when Pat Magrath was apprehended, he

was brother of the prisoner; the screen ran at right angles, and saw two men jump out, and saw no more of them for some time; saw Magrath, but did not see the other; Magrath was convicted and executed. Was at the fair of Kildorrery on the 1st of May; four or five gentlemen left the fair with him; near Farrahy, Mr. Nagle was with him, and he (Mr. Nagle) rode into the plantation, and witness did not wish to let him go in alone, and he followed him. Knows the prisoner Roche, but never searched for him; saw him in the custody of the police on the day he was taken; Mr. Nagle asked him, what he (Roche) was taken for? and he said he did not know, unless it was for firing at Mr. Low. When he (Mr. Low) asked why he fired at him, he affected not to know him, and said he never saw him before. Searched repeatedly for Magrath after he was fired at, but could not find him; he was afterwards taken in the county of Limerick.

A host of witnesses followed in confirmation of the essential parts of the case for the prosecution. For the defence several persons were called, who gave Sheehan, Nowlan, and a witness of the name of Daly, a bad character.

The jury retired only five minutes, and returned a verdict of *Guilty*. Sentence of death was pronounced.

Monday, October 26.

Edmund Conners, Patrick Lynch, Michael Wallis, and Timothy Barrett, were put to the bar on a similar charge.

The court proceeded to swear a jury. The challenges on the part of the prisoners were very numerous. Conners exhausted his

twenty peremptory challenges. Lynch did the same. Barret had challenged six, before the jury was complete.

A few minutes before the Court had sworn in the last name of the jury, Mr. O'Connell arrived.

David Sheehan examined by Serjeant Gould. — Lived with James Barrett; was sworn a Whiteboy six years ago; recollects hearing of Dr. Norcott's carriage being fired at; was at a meeting at Ned Roche's; does not recollect the time; Leary, Shine, Hickey, Magner, and Wallis were there; identifies Wallis; had some drink, when Leary asked them were they satisfied to kill admiral Evans, Mr. Creagh, and Mr. Low; John Leary then took out a paper—they all signed it; swore upon a book; Shine swore first to kill the man who transported his brother.

William Nowlan.—I was taken prisoner a week previous to the last assizes. I lived near Buttevant, and had twenty-five acres of land. I know Connors, Lynch, and Barrett. I have known Connors twelve or thirteen years. I was sworn a Whiteboy by him about six years ago. I remember the time of the firing at Dr. Norcott's carriage. I met these three men I mentioned at Rathclare fair before the carriage was fired at. I met Wallis in Daneraile at Ned Roche's public-house. It was in the front room. At that meeting, Leary, Roche, Magrath, Magner, and Thomas Daly were present. I do not recollect any others. I know John Leary who was tried on Friday. I saw him often at Roche's house. Charles Daly and, I think, Pat Lynch were there also. I saw Wallis at a meeting held two days before Dr. Norcott's carriage was

attacked. Roche and Magrath were there. I saw John Leary swear them that day; they talking about Mr. Creagh's going to dinner to admiral Evans's. We were all, including Wallis, sworn to attack him on his return home. I remember meeting Roche the day after the firing at the carriage; it was about one o'clock.

Cross-examined by Mr. O'Connell.—I took my oath to shoot Mr. Creagh, and I would have shot him as dead as a herring but for my sore leg. I went out to shoot Mr. Low, yet I am a conscientious man. I was ready to shoot Creagh, or any of them; but I would rather shoot the police than the king's troops; I would shoot any gentleman in the county, but I would not go to Kerry, for I got enough of that place by G—; I would not spare a man I was desired to shoot. I took awful oaths; I know it was perjury. I took the oaths with all my heart and soul; I really hurt my leg, and but for that I might have been at the attack on the carriage; I might have shot the young lady who was in it; I would not spare her; I never would have informed but to save my own life. I was taken in a carriage or cage to Mitchelstown. [Mr. O'Connell—A blessed bird they had in that cage.] I was told by Nash, a policeman, that, if I swore informations, my life would be saved; the prisoners were taken up long before me; I knew what birds to aim at; I could not guess, to within two hundred, of the oaths I have taken; I always took them when I was asked; I never met Sheehan at a meeting; I was examined on Friday, and swore that I met Leary at Daneraile; I do not recollect swearing this day that Leary said nothing about Mr.

Low; I did not, at Duane's tent, or at Rathclare fair, hear him say any thing about Low; I did not swear on Friday that he did. The tent was an open one; I heard Leary say, that Patrick Daly ought to be turned out of the tent, he was so drunk; I have often attacked houses and fired into them, to frighten the occupiers. I could not tell how many. There was a more determined ruffian than I was amongst them, but I was bad enough; I am confident I am a respectable witness; I met Sheehan but one day in Doneraile; he was not sworn to do any thing in my presence. It was about six years ago I was sworn first; I can't say how many times I swore to commit murder; I swore about fifty; I can't say whether I may not have sworn one hundred times to commit that crime.

Dr. Norcott and his servants then deposed to the attack upon his family as they returned in their carriage from admiral Evans's, in the same manner as on the former trial.

Patrick Daly, the informer, also gave evidence, which implicated the present prisoners.

Owen Daly sworn—Examined by Mr. Serjeant Gould.—I was at the fair of Rathclare; my business there was to look for sheep, the property of my master. I went into Duane's tent, where I saw a good many persons. I knew John Leary, who was in the dock on Friday; one Connors, and James Barrett; I knew them all on that day.—[The witness here identified Edmund Connors.]—I have known Connors for a long period. They were all drinking. I saw Barrett writing, and hand a paper to Daly and Connors. This happened at about one to three o'clock in the

day. Pat Daly is a first cousin of mine. I have not seen him since that day, except on Friday last.

Cross-examined by Mr. O'Connell.—I have appeared as witness in game prosecutions; I once swore against a Mr. Low and Mr. John Freeman; I was accused of stealing wheat, but it was my own; I was a witness also against Mr. Grady. I can't tell how many prosecutions I was a witness on.

Mr. O'Connell.—Such a drilling of witnesses I never saw.

Mr. Bennett, K.C.—What is it you say, Mr. O'Connell?

Mr. O'Connell.—Unequivocally, since I have been put to it, that I never witnessed such a drilling of witnesses. But I request I may be allowed to proceed with the cross-examination.

Solicitor-General.—Those observations of the learned gentleman, though intended, will fail to affect the jury, I am sure.

Mr. O'Connell was about to resume the cross-examination, when

Judge Torrens begged the learned gentleman to abstain from throwing out observations calculated to excite a repetition of unpleasant remarks.

Mr. O'Connell.—I have not, my lord, thrown out uncalled-for observations. Good God! four men upon trial for their lives, and with such evidence!

Michael Creagh, esq. deposed as to the firing of the shots which entered Dr. Norcott's carriage. He knew the prisoner Barrett, to whom he had refused to let a mountain.

Thomas Murphy.—I remember the Mallow fair day, where and when I saw James Magrath, his brother, James Roche, and Pat Lynch. [The witness here identified the prisoner Lynch.] Having

got into their company, we went to a public-house, where we had a pint of whiskey. We had not been there long when an oath was administered to me, binding me not to divulge what I should hear, and I took the oath accordingly; upon which they told me that Mr. Low, who was then in the fair, would soon leave it, and that they would be before him at Mr. Glover's shrubbery — their object being money and arms — where they would shoot him. They soon after left the public-house, and I don't know what became of them afterwards — particularly Lynch and Magrath. The latter had a pistol about him at the time. What I should have stated awhile ago was, that they professed to want money and life — not money and arms.

Rev. J. Gavan.—I lived in March last in Mallow. I knew Lynch. He was employed both before and after March by me as a labourer. I recollect the fair-day of Mallow, on which Mr. Low was fired at; and I saw Lynch that day between the hours of eleven and one o'clock. He was at my house that day for money due to him, which I gave him. The amount was 2*l*. I often paid him pounds before. I saw him a second time twenty minutes after his first visit. He then returned to me to endorse the notes. I saw him the following day, and asked him if he had purchased the hat, and gave the note to his brother. He said he did neither, nor did he drink. He had not returned from the fair, he said, till it was late.

George Bond Low, esq. deposed to the circumstance of his having been fired at returning from Mallow fair in the same way as on the former trial.

After some further evidence, the case for the Crown closed.

Persons were called to impeach the character of some of the witnesses.

At twenty minutes to eleven o'clock the jury retired. All was deep suspense, until twenty minutes past eleven, when baron Pennefather inquired, through a bailiff, if they were likely to agree? The reply was in the negative.

Four constables were then sworn in the usual manner, and placed at the jury door.

At twenty-five minutes past one, the jury returned into court, and through their foreman, Horace Townsend, esq. returned a verdict of *acquittal* as to Timothy Barrett, but professed the utter impossibility of agreeing as to the others.

Baron Pennefather.—Then, gentlemen, you will retire.

Mr. H. H. O'Brien.—One gentleman says there are eleven very obstinate men on the jury, and that he does not credit a word of the evidence.

After a short colloquy, the jury were, at their request, allowed the use of the grand-jury room for the night.

Tuesday.

At a quarter past ten o'clock, baron Pennefather directed the jury to be conducted into court.

Clerk of the Crown.—Gentlemen, have you agreed on your verdict?

The foreman, handing down the issue paper—"We have not agreed, my lord, except in the acquittal of Barrett."

A Juror.—One gentleman seems indisposed to give credence to any thing.

Justice Torrens.—His mind,

then, must be differently constituted from all others.

Juror.—We are all disposed to give the prisoners the benefit of every doubt, and discussed the evidence with that view; but one gentleman held out against the opinions of the others.

Another Juror.—Perhaps, my lord, if your lordship would throw out some suggestions, his mind might become enlightened.

Mr. Justice Torrens recapitulated some heads of the evidence.

The jury retired.

After some time the jury sent to say they wished to explain something to their lordships. On their appearance,

The Foreman said, that there still continued obstinate one gentleman; he says nothing can convince or move him; he will give no reason, and will not allow his mind to be convinced on the subject.

Mr. Morrogh.—My lords, I am the individual who differs from his brother jurors on this trial. I cannot agree with them; for the character given of themselves by the witnesses for the prosecution, was such, that I would not believe a single tittle of their evidence.

The Court.—Gentlemen, in cases where approvers or accomplices come forward to give evidence, and where there is a corroboration between them as to facts, you may give credence to them. If they tell you a story, connected together by a chain of facts, which facts are in part substantiated by the evidence of others not implicated, then it is for you to believe them or not. Having given you our opinion as to what the law is, you may retire.

Juror.—My lord, we are starved alive.

Juror.—I suppose your lordship will allow me a draught of water. I would not get it last night, and I have been recently very ill. There is another gentleman who has the gout, and I therefore hope your lordship will do something for us.

After the jury had retired, the sheriff informed his lordship that one of them was extremely ill.

The Solicitor-general, on the part of the Crown, and Mr. O'Connell, on the part of the prisoners consented that the jury should receive accommodation and refreshment.

In the afternoon Edw. Townsend, esq. M.D. was sworn to confer with the jury on their health, but not to speak with them on any other subject. The doctor accordingly retired, and in a few minutes returned into court, and stated that four of the jury—Messrs. Allen, O'Brien, Burke, and Townsend, were very ill, produced by long confinement, loss of rest, and want of sustenance, which had reduced them to exhaustion—and the former gentleman was then labouring under an attack of the gout, which rendered his situation worse than that of the others.

George Howe, esq. M.D. was sworn, and conferred with Dr. Townsend and the jury. He was of opinion it would be dangerous for Mr. Allen to be detained another night, and deprived of necessary comforts.

The jury were again conducted to the grand-jury room, and the Court was adjourned to ten o'clock. At that hour Dr. Townsend stated, that Mr. Allen's attack of the gout had continued to increase, and that his life would be endangered by longer confinement. Dr. Howe concurred in the same opinion.

Baron Pennefather then discharged the jury.

Thursday, October 29.

John Bourke and John Shine were placed at the bar, charged with having conspired to murder George Bond Low, Michael Creagh, and Henry Evans, esqrs.

The Solicitor-general in a long and eloquent statement, recapitulated the evidence which was intended to be brought forward against the prisoners at the bar on the present trial, and which amounted to nearly the same as on the former trials.

Nowlan and Daly were examined by the counsel for the Crown, and cross-examined by Mr. O'Connell.—The former identified Bourke, but said, he forgot the other man's name; but he was an honest man. In the course of his examination, he addressed the bench, saying, "my lord, there are many in for this trial that are innocent," and going off the table he repeated the assertion. Daly identified both, and swore that Bourke was a committee-man. During his examination, baron Pennefather called Mr. O'Connell, with whom he conversed for a few minutes, and gave him the in-

formations sworn by the witness the day after the alleged occurrences in the tent at Kildorrery fair; they did not contain a syllable relative to the paper, which he said, in his evidence on the trials, was handed about by Leary, one of the men convicted on Friday.

Owen Daly was next examined, and deposed to having seen the paper signed by Connor, Leary, and Murphy; but not by Bourke, that he saw.

Mr. Creagh was the next witness examined. His evidence was generally a repetition of that given by him on former trials. On cross-examination, Mr. O'Connell handed a paper to Mr. Creagh, and asked him, whether the signature attached to it was his; Mr. Creagh said it was, and that the signature of Daly was by Daly himself.

The jury retired, and after a deliberation of about twenty minutes, returned a verdict of *Not Guilty*.

None of the other prisoners were put on their trial; and the special commission terminated on the following day.

The four men who had been convicted, were subsequently respited.

PUBLIC DOCUMENTS.

I.—DOMESTIC.

CATHOLIC RELIEF BILL.

WHEREAS by various Acts of Parliament certain restraints and disabilities are imposed on the Roman Catholic subjects of his majesty, to which other subjects of his majesty are not liable: and whereas it is expedient that such restraints and disabilities shall be from henceforth discontinued: and whereas by various Acts certain oaths and certain declarations, commonly called the declaration against transubstantiation, and the declaration against transubstantiation and the invocation of saints and the sacrifice of the mass, as practised in the church of Rome, are or may be required to be taken, made, and subscribed, by the subjects of his majesty, as qualifications for sitting and voting in parliament, and for the enjoyment of certain offices, franchises, and civil rights: be it enacted by the king's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the commencement of this act all such parts of the said acts as require the said declarations, or

either of them, to be made or subscribed by any of his majesty's subjects, as a qualification for sitting and voting in parliament, or for the exercise or enjoyment of any office, franchise, or civil right, be and the same are (save as hereinafter provided and excepted) hereby repealed.

II. And be it enacted, that from and after the commencement of this act it shall be lawful for any person professing the Roman Catholic religion, being a peer, or who shall after the commencement of this act be returned as a member of the House of Commons, to sit and vote in either house of parliament respectively, being in all other respects duly qualified to sit and vote therein, upon taking and subscribing the following Oath, instead of the oaths of allegiance, supremacy, and abjuration:

' I, A. B., do sincerely promise
' and swear, that I will be faithful
' and bear true allegiance to his
' majesty king George the fourth,
' and will defend him to the utmost
' of my power against all conspira-
' cies and attempts whatever, which
' shall be made against his person,
' crown, or dignity; and I will do

' my utmost endeavour to disclose
 ' and make known to his majesty,
 ' his heirs and successors, all trea-
 ' sons and traitorous conspiracies
 ' which may be formed against him
 ' or them : and I do faithfully pro-
 ' mise to maintain, support, and
 ' defend, to the utmost of my power,
 ' the succession of the Crown, which
 ' succession, by an act, intituled
 ' An Act for the further Limita-
 ' tion of the Crown, and better
 ' securing the Rights and Liberties
 ' of the Subject, is and stands
 ' limited to the princess Sophia,
 ' electress of Hanover, and the
 ' heirs of her body, being Protes-
 ' tants ; hereby utterly renouncing
 ' and abjuring any obedience or
 ' allegiance unto any other person
 ' claiming or pretending a right to
 ' the Crown of this realm : and I
 ' do further declare, that it is not
 ' an article of my faith, and that I
 ' do renounce, reject, and abjure
 ' the opinion, that princes excom-
 ' municated or deprived by the
 ' Pope, or any other authority of
 ' the see of Rome, may be deposed
 ' or murdered by their subjects, or
 ' by any person whatsoever : and I
 ' do declare, that I do not believe
 ' that the Pope of Rome, or any
 ' other foreign prince, prelate, per-
 ' son, state, or potentate, hath or
 ' ought to have any temporal or
 ' civil jurisdiction, power, supe-
 ' riority, or pre-eminence, directly
 ' or indirectly, within this realm.
 ' I do swear, that I will defend to
 ' the utmost of my power the set-
 ' tlement of property within this
 ' realm, as established by the laws :
 ' and I do hereby disclaim, disavow,
 ' and solemnly abjure, any intention
 ' to subvert the present church
 ' establishment as settled by law
 ' within this realm : and I do
 ' solemnly swear, that I never will
 ' exercise any privilege to which I

' am or may become entitled, to
 ' disturb or weaken the Protestant
 ' religion or Protestant government
 ' in the united kingdom : and
 ' I do solemnly, in the presence of
 ' God, profess, testify, and declare,
 ' that I do make this declaration,
 ' and every part thereof, in the
 ' plain and ordinary sense of the
 ' words of this oath, without any
 ' evasion, equivocation, or mental
 ' reservation whatsoever. So help
 ' me God.'

III. And be it further enacted,
 that wherever, in the oath hereby
 appointed and set forth, the name
 of his present majesty is expressed
 or referred to, the name of the
 sovereign of this kingdom for the
 time being, by virtue of the act
 for the further limitation of the
 Crown and better securing the
 rights and liberties of the subject,
 shall be substituted from time to
 time, with proper words of refer-
 ence thereto.

IV. Provided always, and be it
 further enacted, that no peer pro-
 fessing the Roman Catholic reli-
 gion, and no person professing the
 Roman Catholic religion, who shall
 be returned a member of the House
 of Commons after the commence-
 ment of this act, shall be capable
 of sitting or voting in either house
 of parliament respectively, unless
 he shall first take and subscribe
 the oath herein-before appointed
 and set forth, before the same per-
 sons, at the same times and places,
 and in the same manner as the
 oaths and the declaration now re-
 quired by law are respectively
 directed to be taken, made, and
 subscribed ; and that any such
 person professing the Roman Ca-
 tholic religion, who shall sit or
 vote in either house of parliament,
 without having first taken and
 subscribed, in the manner afore-

said, the oath in this act appointed and set forth, shall be subject to the same penalties, forfeitures, and disabilities, and the offence of so sitting or voting shall be followed and attended by and with the same consequences, as are by law enacted and provided in the case of persons sitting or voting in either house of parliament respectively, without the taking, making, and subscribing, the oaths, and the declaration now required by law.

V. And be it further enacted, that it shall be lawful for persons professing the Roman Catholic religion to vote at elections of members to serve in parliament for England and for Ireland, and also to vote at the elections of representative peers of Scotland and of Ireland, and to be elected such representative peers, being in all other respects duly qualified, upon taking and subscribing the oath herein-before appointed and set forth, instead of the oaths of allegiance, supremacy, and abjuration, and instead of the declaration now by law required, and instead also of such other oath or oaths as are now by law required to be taken by any of his majesty's subjects professing the Roman Catholic religion, and upon taking also such other oath or oaths as may now be lawfully tendered to any persons offering to vote at such elections.

VI. And be it further enacted, that the oath herein-before appointed and set forth shall be administered to his majesty's subjects professing the Roman Catholic religion, for the purpose of enabling them to vote in any of the cases aforesaid, in the same manner, at the same time, and by the same officers or other persons as the oaths for which it is hereby substituted are or may be now by law

administered ; and that in all cases in which a certificate of the taking, making, or subscribing, of any of the oaths or of the declaration now required by law is directed to be given, a like certificate of the taking or subscribing of the oath hereby appointed and set forth shall be given by the same officer or other person, and in the same manner as the certificate now required by law is directed to be given, and shall be of the like force and effect.

VII. And be it further enacted, that in all cases where the persons now authorized by law to administer the oaths of allegiance, supremacy, and abjuration to persons voting at elections, are themselves required to take an oath previous to their administering such oaths, they shall, in addition to the oath now by them taken, take an oath for the duly administering the oath hereby appointed and set forth, and for the duly granting certificates of the same.

VIII. And whereas in an act of the parliament of Scotland made in the eighth and ninth session of the first parliament of king William the third, intituled ' An Act for the preventing the Growth of Popery,' a certain declaration or formula is therein contained, which it is expedient should no longer be required to be taken and subscribed : be it therefore enacted, that such parts of any acts as authorize the said declaration or formula to be tendered, or require the same to be taken, sworn, and subscribed, shall be and the same are hereby repealed, except as to such offices, places, and rights as are hereinafter excepted ; and that from and after the commencement of this act it shall be lawful for persons professing the Roman Catholic re-

ligion to elect and be elected members to serve in parliament for Scotland, and to be enrolled as freeholders in any shire or stewartry of Scotland, and to be chosen commissioners or delegates for choosing burgesses to serve in Parliament for any districts of burghs in Scotland, being in all other respects duly qualified, such persons always taking and subscribing the oath herein-before appointed and set forth, instead of the oaths of allegiance and abjuration as now required by law, at such time as the said last-mentioned oaths, or either of them, are now required by law to be taken.

IX. And be it further enacted, that no person in holy orders in the church of Rome shall be capable of being elected to serve in parliament as a member of the House of Commons; and if any such person shall be elected to serve in parliament as aforesaid, such election shall be void; and if any person, being elected to serve in parliament as a member of the House of Commons shall, after his election, take or receive holy orders in the church of Rome, the seat of such person shall immediately become void; and if any such person shall, in any of the cases aforesaid, presume to sit or vote as a member of the House of Commons, he shall be subject to the same penalties, forfeitures, and disabilities as are enacted by an act passed in the forty-first year of the reign of king George the third, intituled 'An Act to remove Doubts respecting the Eligibility of Persons in Holy Orders to sit in the House of Commons;' and proof of the celebration of any religious service by such person, according to the rights of the church of Rome, shall be deemed and taken to be *prima facie* evi-

dence of the fact of such person being in holy orders, within the intent and meaning of this act.

X. And be it enacted, that it shall be lawful for any of his majesty's subjects professing the Roman Catholic religion to hold, exercise, and enjoy, all Civil and Military offices and places of trust or profit under his majesty, his heirs or successors; and to exercise any other franchise or civil right, except as herein-after excepted, upon taking and subscribing, at the times and in the manner herein-after mentioned, the oath herein-before appointed and set forth, instead of the oaths of allegiance, supremacy, and abjuration, and instead of such other oath or oaths as are or may be now by law required to be taken for the purpose aforesaid by any of his majesty's subjects professing the Roman Catholic religion.

XI. Provided always, and be it enacted, that nothing [herein contained shall be construed to exempt any person professing the Roman Catholic religion from the necessity of taking any oath or oaths, or making any declaration, not herein-before mentioned, which are or may be by law required to be taken or subscribed by any person on his admission into any such office or place of trust or profit as aforesaid.

XII. Provided also, and be it further enacted, that nothing herein contained shall extend or be construed to extend to enable any person or persons professing the Roman Catholic religion to hold or exercise the office of guardians and justices of the United Kingdom, or of regent of the United Kingdom, under whatever name, style, or title such office may be constituted; nor to enable any person, otherwise than as he is now by law enabled, to hold or enjoy the

office of lord high chancellor, lord keeper or lord commissioner of the great seal of Great Britain or Ireland; or the office of lord lieutenant, or lord deputy, or other chief governor or governors of Ireland; or his majesty's high commissioner to the general assembly of the church of Scotland.

XIII. Provided also, and be it further enacted, that nothing herein contained shall be construed to affect or alter any of the provisions of an act passed in the seventh year of his present majesty's reign, intituled 'An Act to consolidate and amend the Laws which regulate the Levy and Application of Church Rates and Parish Cesses, and the Election of Churchwardens, and the Maintenance of Parish Clerks, in Ireland.'

XIV. And be it enacted, that it shall be lawful for any of his majesty's subjects professing the Roman Catholic religion to be a member of any lay body corporate, and to hold any civil office or place of trust or profit therein, and to do any corporate act, or vote in any corporate election or other proceeding, upon taking and subscribing the oath hereby appointed and set forth, instead of the Oaths of Allegiance, Supremacy, and Abjuration; and upon taking also such other oath or oaths as may now by law be required to be taken by any persons becoming members of such lay body corporate, or being admitted to hold any office or place of trust or profit within the same.

XV. Provided nevertheless, and be it further enacted, that nothing herein contained shall extend to authorize or empower any of his majesty's subjects professing the Roman Catholic religion, and being a member of any lay body corporate, to give any vote at, or in any

manner to join in the election, presentation, or appointment of any person to any ecclesiastical benefice whatsoever, or any office or place belonging to or connected with the united church of England and Ireland, or the church of Scotland, being in the gift, patronage, or disposal of such lay corporate body.

XVI. Provided also, and be it enacted, that nothing in this act contained shall be construed to enable any persons, otherwise than as they are now by law enabled, to hold, enjoy, or exercise any office, place, or dignity of, in, or belonging to, the united church of England and Ireland, or the church of Scotland, or any place or office whatever of, in, or belonging to, any of the Ecclesiastical Courts of judicature of England and Ireland respectively, or any court of appeal from or review of the sentences of such courts, or of, in, or belonging to, the Commissary Court of Edinburgh, or of, in, or belonging to, any cathedral or collegiate or ecclesiastical establishment or foundation; or any office or place whatever of, in, or belonging to, any of the universities of this realm; or any office or place whatever, and by whatever name the same may be called, of, in, or belonging to, any of the colleges or halls of the said universities, or the colleges of Eton, Westminster, or Winchester, or any college or school within this realm; or to repeal, abrogate, or in any manner to interfere with any local statute, ordinance, or rule, which is or shall be established by competent authority within any university, college, hall, or school, by which Roman Catholics shall be prevented from being admitted thereto, or from residing or taking degrees therein: Provided also, that nothing herein contained shall

extend or be construed to extend to enable any person, otherwise than as he is now by law enabled, to exercise any right of presentation to any ecclesiastical benefice whatsoever; or to repeal, vary, or alter in any manner the laws now in force in respect to the right of presentation to any ecclesiastical benefice.

XVII. Provided always, and be it enacted, that where any right of presentation to any ecclesiastical benefice shall belong to any office in the gift or appointment of his majesty, his heirs or successors, and such office shall be held by a person professing the Roman Catholic religion, the right of presentation shall devolve upon and be exercised by the archbishop of Canterbury for the time being.

XVIII. And be it enacted, that it shall not be lawful for any person professing the Roman Catholic religion, directly or indirectly, to advise his majesty, his heirs or successors, or any person or persons holding or exercising the office of guardians of the United Kingdom, or of regent of the United Kingdom, under whatever name, style, or title such office may be constituted, or the lord lieutenant, or lord deputy, or other chief governor or governors of Ireland, touching or concerning the appointment to or disposal of any office or preferment in the united church of England and Ireland, or in the church of Scotland; and if any such person shall offend in the premises, he shall, being thereof convicted by due course of law, be deemed guilty of a high misdemeanor, and disabled for ever from holding any office, civil or military, under the crown.

XIX. And be it enacted, that every person professing the Roman

Catholic religion, who shall after the commencement of this act be placed, elected, or chosen in or to the office of mayor, provost, alderman, recorder, bailiff, town clerk, magistrate, councillor, or common councilman, or in or to any office of magistracy or place of trust or employment relating to the government of any city, corporation, borough, burgh, or district within the United Kingdom of Great Britain and Ireland, shall, within one calendar month next before or upon his admission into any of the same respectively, take and subscribe the oath herein-before appointed and set forth, in the presence of such person or persons respectively as by the charters or usages of the said respective cities, corporations, burghs, boroughs, or districts ought to administer the oath for due execution of the said offices or places respectively; and in default of such in the presence of two justices of the peace, councillors or magistrates of the said cities, corporations, burghs, boroughs, or districts, if such there be; or otherwise, in the presence of two justices of the peace of the respective counties, ridings, divisions, or franchises wherein the said cities, corporations, burghs, boroughs, or districts are; which said oath shall either be entered in a book, roll, or other record to be kept for that purpose, or shall be filed amongst the records of the city, corporation, burgh, borough, or district.

XX. And be it enacted, that every person professing the Roman Catholic religion, who shall after the commencement of this act be appointed to any office or place of trust or profit under his majesty, his heirs or successors, shall within three calendar months next before such appointment, or otherwise

shall, before he presumes to exercise or enjoy or in any manner to act in such office or place, take and subscribe the oath herein-before appointed and set forth, either in his majesty's high court of Chancery, or in any of his majesty's courts of King's Bench, Common Pleas, or Exchequer, at Westminster or Dublin; or before any judge of assize, or in any court of general or quarter sessions of the peace in Great Britain or Ireland, for the county or place where the person so taking and subscribing the oath shall reside; or in any of his majesty's courts of session, justiciary, Exchequer, or jury court, or in any sheriff or stewart court, or in any burgh court, or before the magistrates and councillors of any royal burgh in Scotland, between the hours of nine in the morning and four in the afternoon; and the proper officer of the court in which such oath shall be so taken and subscribed shall cause the same to be preserved amongst the records of the court; and such officer shall make, sign, and deliver a certificate of such oath having been duly taken and subscribed, as often as the same shall be demanded of him, upon payment of 2s. 6d. for the same; and such certificate shall be sufficient evidence of the person therein named having duly taken and subscribed such oath.

XXI. And be it enacted, that if any person professing the Roman Catholic religion shall enter upon the exercise or enjoyment of any office or place of trust or profit under his majesty, or of any other office or franchise, not having in the manner and at the times aforesaid taken and subscribed the oath herein-before appointed and set forth, then and in every such case such person shall forfeit to his ma-

jesty the sum of 200l; and the appointment of such person to the office, place, or franchise so by him held, shall become altogether void, and the office, place, or franchise shall be deemed and taken to be vacant to all intents and purposes whatsoever.

XXII. Provided always, that for and notwithstanding any thing in this act contained, the oath herein-before appointed and set forth shall be taken by the officers in his majesty's land and sea service, professing the Roman Catholic religion, at the same times and in the same manner as the oaths and declarations now required by law are directed to be taken, and not otherwise.

XXIII. And be it further enacted, that from and after the passing of this act no oath or oaths shall be tendered to or required to be taken by his majesty's subjects professing the Roman Catholic religion, for enabling them to hold or enjoy any real or personal property, other than such as may by law be tendered to and required to be taken by his majesty's other subjects; and that the oath herein appointed and set forth, being taken and subscribed in any of the courts, or before any of the persons above mentioned, shall be of the same force and effect, to all intents and purposes, as, and shall stand in the place of, all oaths and declarations required or prescribed by any law now in force for the relief of his majesty's Roman Catholic subjects from any disabilities, incapacities, or penalties; and the proper officer of any of the courts above mentioned, in which any person professing the Roman Catholic religion shall demand to take and subscribe the oath herein appointed and set forth, is hereby authorized and re-

quired to administer the said oath to such person, and such officer shall make, sign, and deliver a certificate of such oath having been duly taken and subscribed, as often as the same shall be demanded of him, upon payment of 1s.; and such certificate shall be sufficient evidence of the person therein named having duly taken and subscribed such oath.

XXIV. And whereas the Protestant episcopal church of England and Ireland, and the doctrine, discipline, and government thereof, and likewise the Protestant Presbyterian church of Scotland, and the doctrine, discipline, and government thereof, are by the respective Acts of Union of England and Scotland, and of Great Britain and Ireland, established permanently and inviolably: And whereas the right and title of archbishops to their respective provinces, of bishops to their sees, and of deans to their deaneries, as well in England as in Ireland, have been settled and established by law; be it therefore enacted, that if any person, after the commencement of this act, other than the person thereunto authorized by law, shall assume or use the name, style, or title of archbishop of any province, bishop of any bishoprick, or dean of any deanery, in England or Ireland, he shall for every such offence forfeit and pay the sum of 100*l*.

XXV. And be it further enacted, that if any person holding any judicial or civil office, or any mayor, provost, jurat, bailiff, or other corporate officer, shall after the commencement of this act, resort to or be present at any place or public meeting for religious worship in England or in Ireland, other than that of the united church

of England and Ireland, or in Scotland, other than that of the church of Scotland, as by law established, in the robe, gown, or other peculiar habit of his office, or attend with the ensign or insignia, or any part thereof, of or belonging to such his office, such person shall, being thereof convicted by due course of law, forfeit such office, and pay for every such offence the sum of 100*l*.

XXVI. And be it further enacted, that if any Roman Catholic ecclesiastic, or any member of any of the orders, communities, or societies herein-after mentioned, shall, after the commencement of this act, exercise any of the rites or ceremonies of the Roman Catholic religion, or wear the habits of his order, save within the usual places of worship of the Roman Catholic religion, or in private houses, such ecclesiastic or other person shall, being thereof convicted by due course of law, forfeit for every such offence the sum of 50*l*.

XXVII. Provided always, and be it enacted, that nothing in this act contained shall in any manner repeal, alter, or affect any provision of an act made in the fifth year of his present majesty's reign, intituled An act to repeal so much of an act passed in the ninth year of the reign of king William the 3rd, as relates to burials in suppressed monasteries, abbey, or convents in Ireland, and to make further provision with respect to the burial in Ireland of persons dissenting from the established church.

XXVIII. And whereas jesuits, and members of other religious orders, communities, or societies of the church of Rome, bound by monastic or religious vows, are resi-

dent within the United Kingdom; and it is expedient to make provision for the gradual suppression and final prohibition of the same therein; be it therefore enacted, that every jesuit, and every member of any other religious order, community, or society of the church of Rome, bound by monastic or religious vows, who at the time of the commencement of this act shall be within the United Kingdom, shall, within six calendar months after the commencement of this act, deliver to the clerk of the peace of the county or place where such person shall reside, or to his deputy, a notice or statement, in the form and containing the particulars required to be set forth in the schedule to this act annexed; which notice or statement such clerk of the peace, or his deputy, shall preserve and register amongst the records of such county or place, without any fee, and shall forthwith transmit a copy of such notice or statement to the chief secretary of the lord lieutenant, or other chief governor or governors of Ireland, if such person shall reside in Ireland, or if in Great Britain, to one of his majesty's principal secretaries of state; and in case any person shall offend in the premises, he shall forfeit and pay to his majesty, for every calendar month during which he shall remain in the United Kingdom without having delivered such notice or statement as is herein-before required, the sum of 50*l*.

XXIX. And be it further enacted, that if any Jesuit, or member of any such religious order, community, or society as aforesaid, shall, after the commencement of this act, come into this realm, he shall be deemed and taken to be guilty of a misdemeanor, and being

thereof lawfully convicted, shall be sentenced and ordered to be banished from the United Kingdom for the term of his natural life.

XXX. Provided always, and be it further enacted, that in case any natural-born subject of this realm, being at the time of the commencement of this act a Jesuit, or other member of any such religious order, community, or society as aforesaid, shall, at the time of the commencement of this act, be out of the realm, it shall be lawful for such person to return or to come into this realm; and upon such his return or coming into the realm he is hereby required, within the space of six calendar months after his first returning or coming into the United Kingdom, to deliver such notice or statement to the clerk of the peace of the county or place where he shall reside, or his deputy, for the purpose of being so registered and transmitted, as herein-before directed; and in case any such person shall neglect or refuse so to do, he shall for such offence forfeit and pay to his majesty, for every calendar month during which he shall remain in the United Kingdom without having delivered such notice or statement, the sum of 50*l*.

XXXI. Provided also, and be it further enacted, that, notwithstanding any thing herein-before contained, it shall be lawful for any one of his majesty's principal secretaries of state, being a Protestant, by a licence in writing, signed by him, to grant permission to any Jesuit, or member of any such religious order, community, or society as aforesaid, to come into the United Kingdom, and to remain therein for such period as the said secretary of state shall think proper, not exceeding in any

case the space of six calendar months; and it shall also be lawful for any of his majesty's principal secretaries of state, to revoke any licence so granted before the expiration of the time mentioned therein, if he shall so think fit; and if any such person to whom such licence shall have been granted shall not depart from the United Kingdom within twenty days after the expiration of the time mentioned in such licence, or if such licence shall have been revoked, then within twenty days after notice of such revocation shall have been given to him, every person so offending shall be deemed guilty of a misdemeanor, and being thereof lawfully convicted, shall be sentenced and ordered to be banished from the United Kingdom for the term of his natural life.

XXXII. And be it further enacted, that there shall annually be laid before both houses of parliament an account of all such licences as shall have been granted for the purpose herein-before mentioned within the twelve months then next preceding.

XXXIII. And be it further enacted, that in case any Jesuit, or member of any such religious order, community, or society as aforesaid, shall, after the commencement of this act, within any part of the United Kingdom, admit any person to become a regular ecclesiastic, or brother, or member of any such religious order, community, or society, or be aiding or consenting thereto, or shall administer or cause to be administered, or be aiding or assisting in the administering or taking, any oath, vow, or engagement purporting or intended to bind the person taking the same to the rules, ordinances, or ceremonies of such religious order, community, or so-

ciety, every person offending in the premises in England or Ireland shall be deemed guilty of a misdemeanor, and in Scotland shall be punished by fine and imprisonment.

XXXIV. And be it further enacted, that in case any person shall, after the commencement of this Act, within any part of this United Kingdom, be admitted or become a Jesuit, or brother, or member of any other such religious order, community, or society as aforesaid, such person shall be deemed and taken to be guilty of a misdemeanor, and being thereof lawfully convicted shall be sentenced and ordered to be banished from the United Kingdom for the term of his natural life.

XXXV. And be it further enacted, that in case any person sentenced and ordered to be banished under the provisions of this act shall not depart from the United Kingdom within thirty days after the pronouncing of such sentence and order, it shall be lawful for his majesty to cause such person to be conveyed to such place out of the United Kingdom as his majesty, by the advice of his privy council, shall direct.

XXXVI. And be it further enacted, that if any offender, who shall be so sentenced and ordered to be banished in manner aforesaid, shall, after the end of three calendar months from the time such sentence and order hath been pronounced, be at large within any part of the United Kingdom, without some lawful cause, every such offender being so at large as aforesaid, on being thereof lawfully convicted, shall be transported to such place as shall be appointed by his majesty, for the term of his natural life.

XXXVII. Provided always, and

be it enacted, that nothing herein contained shall extend or be construed to extend in any manner to affect any religious order, community, or establishment consisting of females bound by religious or monastic vows.

XXXVIII. And be it further enacted, that all penalties imposed by this Act shall and may be recovered as a debt due to his majesty, by information to be filed in the name of his majesty's attorney-general for England or for Ireland, as the case may be, in the courts

of Exchequer in England or Ireland respectively, or in the name of his majesty's advocate-general in the court of Exchequer in Scotland.

XXXIX. And be it further enacted, that this Act, or any part thereof, may be repealed, altered, or varied at any time within this present Session of parliament.

XL. And be it further enacted, that this Act shall commence and take effect at the expiration of ten days from and after the passing thereof.

NEW POLICE INSTRUCTIONS FOR LONDON.

The following provisional instructions for the different ranks of the police force are not to be understood as containing certain rules of conduct under every variety of circumstances that may occur in the performance of their duty; something must necessarily be left to the intelligence and discretion of individuals: and according to the degree in which they show themselves possessed of those qualities, and to the zeal, activity, and judgment they display on all occasions, will be their claims to future promotion and reward.

It should be understood at the outset, that the object to be attained is "the prevention of crime."

To this great end every effort of the police is to be directed. The security of person and property, the preservation of the public tranquillity, and all the other objects of a police establishment, will thus be better effected than by the detection and punishment of the offender after he has succeeded in committing the crime. This should constantly be kept in mind by every member

of the police force, as the guide for his own conduct. Officers and police constables should endeavour to distinguish themselves by such vigilance and activity as may render it impossible for any one to commit a crime, within that portion of the town under their charge.

When many offenders are committed, it must appear to the commissioners that the police is not properly conducted in that division; and the absence of crime will be considered the best proof of the complete efficiency of the police. In a division where this security and good order have been effected, the officers and men belonging to it may feel assured that such good conduct will be noticed by rewards and promotion.

Local Divisions.

1. The metropolitan police district will be formed into police divisions.

2. That part of the district which is taken under the charge of the police force, in the first instance,

comprising a large proportion of town, is formed into five regular police divisions.

3. The number of men and officers, and the constitution of the force, are the same in each division: but in laying out the division, attention has been paid to local and other circumstances determining the number of men required, so that the superficial contents of the divisions differ greatly, and consequently that portion of each committed to the care of one man.

4. Each division is again divided into eight sections.

5. Each section into eight beats.

6. The limits of each of these is clearly defined; each is numbered, and the number entered in a book to be kept for the purpose.

7. Each division has an appropriate local name, and is also designated by a letter of the alphabet.

8. There is in every division a station or watch-house, placed as conveniently for the whole as may be according to circumstances. From this point all the duty of the division is carried on.

9. The men belonging to each section shall, as far as may be found practicable, lodge together near to the place of their duty, in order to render them speedily efficient, in case the services of such as are off duty should be required for any sudden emergency.

Police Force.

1. The police force consists of as many companies as there are Police Local Divisions, one company being allotted to each division.

2. Each company is formed as follows:—One superintendent, four inspectors, sixteen serjeants, and one hundred and forty-four police constables.

3. The company is divided into

sixteen parties, each consisting of one serjeant and nine men.

Four serjeants' parties, or one-fourth part of the company, form an inspector's party.

4. The whole company is under the command of the superintendent.

5. Each man is conspicuously marked with the letter of his division, and a number, corresponding with his name in the books, so that he can at all times be known to the public.

6. The first sixteen numbers in each division denote the serjeants.

7. A smaller police company is attached to the office of the commissioners, for the duty in the immediate neighbourhood, and is also applicable to general purposes.

Conditions.

The conditions upon which each man is to be admitted into the police force are stated here, that no complaint may be made hereafter upon their being enforced. The commissioners of police desire it to be understood at the same time, that they reserve their power to alter or annul any of these; and also to make such new rules as may be found expedient.

1. He shall devote his whole time to the police service.

2. He shall serve and reside wherever he is appointed.

3. He shall promptly obey all lawful orders which he may receive from the persons placed in authority over him.

4. He shall conform himself to all the regulations which may be made from time to time, for the good of the service.

5. He shall not, upon any occasion, or under any pretence whatsoever, take money from any person without the express permission of the commissioners.

6. He shall get such articles of clothes as the commissioners shall direct, from the respective contractors, and pay for them, ready money, or by deductions made from his weekly pay, under the directions of the commissioners.

7. He shall furnish himself with new clothes whenever the commissioners may direct.

8. He shall, at all times, appear in his complete police dress.

9. He shall allow a deduction of 1s. a week to be made from his pay, if unmarried, when lodgings are found for him.

10. If married, when lodgings are found, an agreement will be made in each particular case.

11. He shall pay all such debts contracted by him, as the commissioners shall direct.

12. He shall receive his pay weekly, on such day as shall be appointed.

13. His pay as common constable is 8s. per day, subject to the deductions above mentioned, for clothes and lodgings.

14. He shall be supplied with an account-book, which he is to have, to produce at all times, when required.

15. He shall not quit the police force, without giving a month's previous notice; in case he quit without such notice, all pay then due shall be forfeited.

16. He shall not use, nor allow to be used, the baton, marked "Police Force," except while he belongs to the police service.

Each police constable is liable to dismissal, or such other punishment as may by law be inflicted for the breach of any of the foregoing rules. Also the commissioners will, if they shall think fit, dismiss him without assigning any reason.

Outline of General Duty.

1. The duty will commence each evening at an hour regulated by the setting of the sun: when any change becomes necessary, it will be specified in orders.

2. One part of the force, for duty from the commencement of the evening till midnight, may be called the first night relief; and from midnight till morning, the second night relief; in like manner may be a first and second day relief.

3. One half of the entire force will be on duty at night, consisting of two inspectors and eight serjeants, with their respective parties, at one time; and these will be relieved by the other half, at the hours and in the manner hereinafter specified.

4. Each serjeant's party, when on duty, will have charge of its respective section of the division, each police constable having a beat appropriated to him, within the section.

5. In case any constable should be absent, from sickness, or any other cause, his place will be supplied from the reserve of his section.

6. There will be nine men belonging to each serjeant's party, and only eight beats in a section; thus one man of each section will remain at the division station, forming a reserve of eight men for the whole division, to supply occasional absences, and to be ready for such duties as may be required there.

7. If from sickness of the men, or any other cause, the reserve men at the division station be required for duty, their place must be supplied by the men of the relief going off duty; when this becomes necessary, the reserve party, formed of the men going off

duty, will be permitted to take their rest at the station, as far as circumstances will permit.

8. The man of each section will in turn be left as the reserve at the station.

9. The superintendent, or senior inspector, must name the individuals who are to remain at the division station, from the off-going relief, when that is required.

10. The men who are off duty are to consider themselves liable to be called on at all times, and will always prepare themselves, when required, at the shortest notice.

11. With a view to such sudden emergencies, that the men may be fully efficient, they will be lodged in, or as near as possible to their respective sections.

12. A certain number, when so ordered by their officers, must sleep in their clothes, to be in perfect readiness when called on.

13. The serjeant must live in the house with the men of his section, or close to it, as permission is given him. He will always go on duty with his party, and have the general charge and superintendence of it at all times.

14. The men of the relief for duty will individually assemble at the division station, before or precisely at the hour fixed for that purpose in the orders, and will form in order in their respective parties. Their names will be called, and an inspection made by their respective serjeants, to ascertain that they all are perfectly sober, and correctly dressed and appointed. Each man will be furnished with a card, with his name, and the number of the beat he is to take charge of written upon it.

The name of the man opposite to the beat he is to take charge of, will be entered in a book. The

serjeant will then read and explain, if necessary, the orders of the day, if there be any; and having done so, he will make his report to the inspector, who will give to each serjeant, in writing, the hours he is to make his patrols round his section, also the time of reporting to him at a central point, and will order them to march the men off to their respective stations.

Of the two inspectors who will be on duty together, one will take the general charge of the duty throughout the division, visiting the men, and seeing as much of it as possible; receiving the reports of the several serjeants, as before mentioned, so as frequently to hear from them the state of all parts of the division. The other inspector will remain in the division station, to receive charges, complaints, and all applications for assistance, &c. They will either relieve each other, exchanging the duty for half the entire period of continuing on duty, or arrange it as may be mutually agreed on.

In case of any riot or disturbance in the streets, which might be likely to call too many of the constables from their respective beats, the inspector will send to the division station of the reserve party, or if requisite, to the nearest residence of the party off duty in the section; but this should be done only in cases of necessity.

At the hour for relieving the men, no one shall leave his beat until the relief has actually arrived on the beat; the constable relieved, will then go to a particular spot appointed in each section on purpose. When all the party relieved of the section are assembled, they are to be inspected by the serjeant as when going on duty, that he may ascertain whether they are

perfectly sober and correctly dressed, as when he posted them. The serjeant will then dismiss the party, and proceed to make his final report to the inspector at the appointed place.

The inspectors will deliver a written report, according to the printed form, at o'clock, to the superintendent of their division.

The superintendent will send in at o'clock each morning to the office a report and return, according to prescribed forms, detailing the occurrences of the night within his division; and he will also send all persons given in charge or apprehended in the night, under the care of to such of the police magistrates' offices as may be fixed on for the division. The officer who takes charge of the constables to the office, will attend to their several cases, and make a report, in writing, of the result of each, to the superintendent, who will send a report of the same to the office on that day, if he shall deem it requisite, or the following morning, with the other reports.

Superintendent.

It is desirable that he should reside as near to the division station as circumstances permit: his duty will require his frequent attendance there. Applications for assistance and instructions made at the station, will be referred to him; and a more speedy communication of all orders may be effected through him, if he shall be near the station, to which, in the first instance, they must be transmitted from the office. He will be responsible for the general conduct and good order of the officers and men under his charge. He should make himself well acquainted, by frequent personal intercourse, with the inspectors and

serjeants, and through them, with the character and conduct of every man in the company under his orders; and by a firm, but kind and conciliating behaviour towards them on all occasions, make them understand, that while neglect of duty can in no instance be passed over, every indulgence consistent with their general efficiency will be at all times shown to them.

He will take care that the standing orders and regulations, and all others given out from time to time, are promptly and strictly obeyed. It is expected that he should himself actually see a great deal done; but he must understand that he may be much more efficient, by giving instructions to the officers under him, and making them do their duty, than he can be by attempting to do every thing himself. He must see that the duty is done, and will, if necessary, immediately report any neglect to the commissioners.

He is responsible generally, for every thing relating to the police of his division (keeping in mind that the grand object is the prevention of crime in every part of it). It is not wished to lay out any precise course for the superintendent, nor to say how much of his time is to be passed in the active performance of his duties; but he will feel the importance of visiting some part of his division at uncertain hours every day and night.

He will make a daily inspection of the books at the division station, to see that they are kept correctly; carefully examine and sign all reports and returns sent to the office, and forward them punctually at the appointed hours.

He will, according to his discretion, grant immediate assistance

from the men on duty at his station, to all persons requiring it, where there is not time to refer to the office for instructions.

In cases of complaints made against any of his men, if of a trivial nature, he will award some punishment to the man, and satisfaction to the party complaining, and report the whole immediately to the commissioners; or if the offence be of a more serious nature, he should at once report the whole to the commissioners, taking such immediate step, by suspending the man, or otherwise, as may appear necessary.

It will be expected that he should at all times be able to furnish the commissioners with particular information respecting the state of every part of his division.

In observing, with especial attention, the actions of all suspected persons within the division, and in giving directions to his men for this purpose, he will keep in mind that the prevention of crime, the great object of all their exertions, will be best attained by making it evident to all such that they are known and strictly watched, and that certain detection will follow any attempt they may make to commit the crime.

Upon any alarm of fire within the division, it becomes the duty of the superintendent immediately to repair to the spot, and take the entire control of the police force that may be assembled, sending for those who are off duty. Immediate notice must be given to the several fire-offices. If the keys of the parish engines are at the division station, they will be procured, and the engines got out and brought to the fire; rendering such assistance as may be in his power, from knowing of fire-plugs, procuring water, &c.

The police will, perhaps, be most useful in procuring a free scope for the firemen's exertions, and the parties more immediately interested; with this view he will clear the street or ground in the immediate vicinity of the fire of all persons not actively and usefully employed, taking care that all the adjoining streets, as far as may be practicable, are kept clear of obstructions by crowds or carriages, waggons, carts, &c., that the engines may not be delayed on their road.

Every assistance possible must be given to the removal of property, conformably with the wishes and suggestions of the proprietors; and if desired, such property may be conveyed to the nearest police station or residence, placing it under the protection of the police.

A special attention must be directed at such times, to the thieves and pickpockets who are usually in the crowd.

Whenever the men may be called away from their beats by fire or any sudden necessity, they shall be directed to return to their regular duty as soon as they can be spared; and the serjeant will be sent with them, to see that no delay occurs in their return. He should make it his duty to collect upon the spot all the information he can obtain relative to the cause of the fire, which, together with the circumstances attending it, the conduct of the police under his orders, and the time they were employed, he will report fully, as soon as may be, to the commissioners.

Inspector.

The inspector will reside at the place appointed for him.

He is to receive his orders and instructions from, and make his reports to, the superintendent.

He must strictly and promptly obey all lawful directions for the execution of his duty, as he will expect the same submission from the officers and men placed under his command.

Each inspector will have under him four serjeants and thirty-six men, and he will be responsible for their general conduct and good order.

It is expected that by constant personal intercourse with them all, he shall make himself well acquainted with the talents and general moral character of each individual.

He should immediately report to the superintendent, any circumstances which he observes in the conduct of the men requiring notice.

If upon complaint made, or otherwise, he shall think any punishment ought to be inflicted on the men, he will, as soon as possible, communicate the whole matter to the superintendent for his decision, taking any immediate step, by suspension of the man from duty, if the case requires that.

He will take care that the standing orders and regulations, and all others given out from time to time, are promptly and strictly obeyed by those under him.

It is expected that he shall be able and ready to give instructions to the serjeants and men, on all points relating to their duty.

Any neglect of duty must immediately be reported. Of the four inspectors belonging to each company, two will always be on duty at the same time—one remaining in the division station for the purposes stated hereafter, the other doing the general duty in the streets; these two may arrange mutually the times for relieving

each other, or that shall be fixed by the superintendent. The inspectors for duty will be at the division station punctually at the hour appointed in orders; each will inspect his several parties going on duty, and make all the necessary preparations in silence and good order, receive the reports from the serjeants of the state of their respective parties, give the serjeants, in writing, the hours for making their patrols round the section, and the point at which he will receive reports from them of the state of the section; he will then give orders to the serjeants to march off their parties to their several stations.

The inspector on the street duty will see as much of the division as possible at uncertain hours; and it is desirable that he should see every part of it once, at least, during his tour of duty. He will make a note of the reports of the serjeants, at the appointed times and places; and if any serjeant do not appear to make his report, inquiry should be immediately made to ascertain the cause.

In the event of any felony or rioting, or upon any sudden emergency, he will send for such assistance as may be required, either to the division station, or the residence of the section, but to the latter only in case of necessity; if he judges it expedient, he will also send to the superintendent. A printed form of report of the occurrences of the night will be filled up and forwarded to the superintendent at o'clock each morning.

In the event of a fire taking place, the inspector, if the superintendent be absent, will take upon himself the entire direction of the police, and act in conformity with the instructions for that purpose, already given to the superintendent.

The inspector on duty at the division station will keep good order there; he will be held responsible for the constant readiness of the reserve party, not allowing drinking either by them or other persons; he is to receive all charges brought to the station, entering them in a book according to a printed form. If any property be brought to him, either taken from persons apprehended or otherwise, he will immediately make an entry of the same in the property-book, and state it shortly in his report to the superintendent; the articles of property themselves should be marked the instant they are received, so that they can be afterwards certainly known to be the same; they should be taken by the inspector himself from the party bringing them, and not allowed to be out of his sight until marked in the manner directed; they should then be locked up by the inspector, in the place kept for that purpose, and of which he alone has the key; he will take care that all persons brought under charges are securely confined; if the offence with which they are charged be only a petty misdemeanour, he may set them at liberty, taking a recognizance for their appearing next day at the sitting magistrate's office, unless that should be a Sunday, Christmas day, or Good Friday; then on the following day, at the same hour; he will find directions in the recognizance-book as to the manner in which this is to be done.

In case application is made to him for assistance, he will, according to the best of his judgment, render all in his power, either from the reserve party, or by calling up those off duty; but this last is only to be done in cases of necessity, and notice should immediately be sent to the superintendent; he should,

before he grants any, be satisfied with the grounds upon which it is demanded, that the party has a right to demand it, &c.

An immediate entry is to be made by him, in the book occurrences, and included in the following morning's report to the superintendent.

He will pay particular attention to all complaints made against any individual of the police force; if made in person, requesting the party to sign such account of it as the inspector shall enter in his book, except in cases where an immediate step is necessary: such complaint shall be merely forwarded to the superintendent in next morning's report, for his decision.

Previous to his being relieved, he shall make up his report fully, and deliver or send it to the superintendent; he must appear at the office of the sitting magistrates, to substantiate any charge, if necessary.

He will at all times be required, by every means in his power, to obtain such information as the superintendent desires, upon all matters relating to police.

Serjeant.

He will reside in the section in the house appointed. He is to obey all orders given him by the superintendent or inspectors of his company. He is expected to set the best example to the men in the alacrity and skill with which he shall perform his own duties.

Each serjeant has under him nine men, and he will be held responsible for their general conduct and good order. He will live much with them, and is expected to make himself thoroughly acquainted with the character of every individual. He will keep in his own handwriting a journal, according to a prescribed form, of any misconduct

or fault they may be guilty of; this book shall be laid before the inspectors and superintendents at stated periods, and will always be consulted before any individual shall receive any reward, or be promoted. The serjeants will therefore feel the importance of entering in this book, fully and fairly, every circumstance which may enable their officers to form a just opinion of the individual's character: in no instance will any neglect or misstatement by the serjeant in such particulars be passed over.

The serjeant for duty will arrive at the division station before the hour fixed by his orders, form his party into ranks, and inspect them, taking care that every man is perfectly sober and correctly dressed. He will read and explain to the men the orders, if any have been given out that day. He will enter in a book the hour the party goes on duty, and the name of each man opposite the number of the beat in his section that such man is to take charge of; he will then report to the inspector, and receive his orders. He marches with his men to the section, and goes round it, and sees every man relieve the man previously on duty. Having done so, he will repair to the spot fixed on for making his first report to the inspector. This report should include any irregularity or disorderly conduct in the men relieved, as well as any other particular.

He is constantly to patrol his section to ensure the performance of their duty by his men. He always at night carries a dark lantern. If at any time he finds a man absent from his duty on the beat, he will have him replaced as quickly as possible, sending for

another from the reserve at the station, or from the section residence; but this last only in case of necessity. He should immediately ascertain the cause of the man's absence, and report it to the inspector; in case of any felony or disturbance, he will send for such assistance as may be necessary, either to the division station or section residence—never to the latter except in cases of urgent necessity.

He will give all assistance in his power to persons applying to him; he will learn, from his general duties as a constable, in what way he is to interfere, either in arresting people, entering houses, or taking property from suspected persons; noticing hackney-coaches and other vehicles at night.

In case of fire, in the absence of the superintendent and inspector, he will act according to the instructions already given for their guidance, taking immediate steps to acquaint them, and give notice to the division station.

He will feel that it is particularly desired by his superiors that he should be civil and obliging to every body, and render every information and assistance in his power when called on.

He is to notice and receive reports also from the men as to the state of the gas lamps, whether any are dirty or extinguished, and report the same to his inspectors.

When the men are relieved, he will collect them at the appointed place, and inspect them in the same manner as when going on duty, and report their state. In case the serjeant be absent from illness or any other cause, his place is to be supplied by one of the men in his party, who shall be named generally for that purpose.

Police Constable.

Every police constable in the force may hope to rise by intelligence and good conduct to the superior stations; it is therefore recommended to each man to endeavour, by studying these instructions, and by reflecting upon the nature of the duty he has to perform, to qualify himself for such promotion. But at the commencement he will most certainly recommend himself to notice by a diligent discharge of his own duties, and a strict obedience to the commands of his superiors, recollecting that he who has been accustomed to submit to discipline, will be considered best qualified to enforce it hereafter.

He will reside in the section, at the house appointed: he will devote the whole of his time and abilities to the service. He is at all times to appear neat in his person, and correctly dressed in the established uniform: his demeanour should be respectful towards his officers. He shall readily and punctually obey the orders and instructions of the serjeants, inspectors, and superintendents: if they appear to him either unlawful or improper, he may complain to the commissioners, who will pay due attention to him; and any refusal to perform the commands of his superiors, or negligence in doing so, cannot be suffered.

When he has to go on duty, he will take care to be at the appointed place, if not before, precisely at the prescribed hour. He is to fall in with the others of his party; and after inspection by the serjeant, and receiving any orders that may be necessary, he is to be marched by his serjeant to the section. A particular portion of the section is

committed to his care; he will have previously received from his serjeant a card with the names of the streets, &c. forming his beat. He will be held responsible for the security of the lives, and safety of all property, of every person within his beat, and for the preservation of the peace and general good order of the whole, during the time he is on duty.

He must understand what powers he possesses to effect those objects, either by arresting criminals, disturbers of the peace, and evil-disposed persons, by entering houses when he is required, by taking bundles, and other articles carried at night by suspicious persons; and he is recommended to read carefully the instructions given to him respecting the general duties of a constable.

But it is likewise indispensably necessary that he should make himself perfectly acquainted with all the parts of his beat or section, with the streets, thoroughfares, courts, and houses.

He will be expected to possess a knowledge also of the inhabitants of each house. It must be obvious to him that he will be much assisted in the performance of his duties by making himself acquainted with all such particulars; without knowing them he cannot hope to be a really efficient police-officer, nor expect to rise in the service. He will be able to see every part of his beat, at least once in ten minutes or a quarter of an hour; and this he will be expected to do: so that any person requiring assistance, by remaining in the same spot for that length of time, must certainly meet a constable.

This regularity of moving through his beat shall not, however, prevent his remaining at any par-

particular place, if his presence there be necessary to observe the conduct of any suspected person, or for any other good reason; but he will be required to satisfy his serjeant, or superior officers, that there was a sufficient cause for such apparent irregularity. He will also attend at the appointed times, to make a report to his serjeant of any thing requiring notice.

All his duty will be carried on in silence: he is not to call the hour.

When he takes any one into custody, he will immediately repair to a spot, appointed for the purpose, in the section, and remain there with the prisoner until some constable comes who can supply his place, while he carries the party to the division station; he will take care to return again to his duty as soon as possible; or he may deliver over his prisoner to the serjeant or other constable, and immediately return to his beat.

It will generally be most desirable that he should accompany the party to the division station, in order to substantiate the charge; and when he takes property from any one he should not suffer it to be out of his sight, until he delivers it to the inspector at the division station, and receives from him a proper receipt for the same.

A temporary lock-up room will be provided, in different parts of each division, in which, in cases of necessity, from danger of rescue, or the constable being required again to return to his beat to suppress rioting, or capture other offenders, or the like, a prisoner may be confined; but this is to be done as seldom as possible, and the party should be taken afterwards to the division station, whenever circumstances will permit.

He is not to quit his beat during his tour of duty, unless under the circumstances already mentioned, or some others rendering it necessary; he shall not enter any house except in the execution of his duty; he will pay a particular attention to all public houses in his beat, reporting the hours at which each is closed, and whether they appear to be kept according to good order.

On no pretence shall he enter any public house except in the immediate execution of his duty; he is to recollect that now the publican is subject to a severe fine for allowing him to remain in his house.

No liquor of any sort shall be taken from a publican without paying for it at the time. If at any time he requires immediate assistance, and cannot in any other way obtain it, he must spring his rattle, but this is to be done as seldom as possible, for though he is provided with one, and may sometimes find it necessary to use it, such alarm often creates the mischief it is intended to prevent, by assembling a crowd, thus giving an opportunity of escape to the criminals; he will be required to report to the serjeant of his party every occasion of his using his rattle.

If during the tour of his duty, he observes any danger or inconvenience likely to arise from any cause whatever, he must report it to the serjeant; he will be civil and obliging to all people of every rank and class, and be ready to give information and assistance when required; but he must not enter into conversation while on duty with any one, except on matters relating to his duty.

He must be particularly cautious not to interfere idly or unnecessarily, in order to make a display of

his authority; when required to act, he will do so with decision and boldness; on all occasions he may expect to receive the fullest support in the proper exercise of his authority. He must remember that there is no qualification so indispensable to a police-officer as a perfect command of temper, never suffering himself to be moved in the slightest degree, by any language or threats that may be used; if he do his duty in a quiet and determined manner, such conduct will probably excite the well-disposed, of the by-standers to assist him, if he requires them; but unless in cases of urgency, he ought not to interfere without having a force sufficient to prevent any opposition.

In case of a fire taking place, the constable at the spot will give immediate alarm, and always spring his rattle for that purpose. He should, as soon as possible, send information to the division station; and until the arrival of some superior officer, from whom he may receive further orders, he will exert himself in any way likely to be most useful, as in keeping the space near the spot clear, assisting in removing property, sending for police from the nearest section residences, giving notice to the fire-offices, engine-keepers, turncocks, &c.

No man at any great distance from the fire should leave his beat, for depredators might take advantage of his absence on such an occasion.

For his exertions upon these, or any extraordinary occasions, the commissioners may recommend him to the Secretary of State for a reward, if he shall be considered deserving; but upon no pretence whatsoever shall he receive a gratuity from any person for any thing relating to his duty; this will al-

ways be visited with immediate dismissal. Further instructions will be given to any constable who may find himself in need of them.

Provisional Instructions.

Part II.

It is intended here to state such part of the law, relating to the office of constable, as may be sufficient for the general instruction of the police force.

Each individual will bear in mind, the extreme importance of making himself perfectly acquainted with this subject; it is necessary to enable him, with a due regard to his own safety, to act efficiently for the protection of the public.

In the novelty of the present establishment, particular care is to be taken that the constables of the police do not form false notions of their duties and powers.

Though they may be more numerous and better appointed than constables were formerly, they must not suppose they possess any powers beyond those which the law expressly gives them; but the powers of a constable, as will appear hereafter, are when properly understood and duly executed, in truth, very great. He is regarded as the legitimate peace-officer of his district; and both by the common law and many acts of Parliament, he is invested with certain powers, and has imposed on him the discharge of many public duties.

Thus he is authorized and required in many cases to act, in the execution of his office, either—

By arresting a party, charged with or suspected to be guilty of some offence;

To enter a house, in pursuit of an offender—to quiet an affray, or search for stolen goods;

Or to take from another, goods which, from some circumstances of suspicion, are supposed to have been stolen.

It therefore becomes necessary that the constable should inform himself in what cases he ought so to interfere; and what legal powers he possesses to effect the object, in case he meets with resistance. To assist the police constables in the discharge of their duties on these occasions, the following observations are prepared for their attentive perusal.

We shall begin by showing him for what offences of more ordinary occurrence a party may be arrested and taken into custody. With this object offences may be divided into—

Felonies and Misdemeanours.

Murder, house-breaking, robbery, stealing, picking pockets, receiving stolen goods knowing them to have been stolen, assaulting any one with intent to rob, setting fire to any church, house or other buildings, are some of the principal felonies, besides a great many more, too numerous to be inserted here.

Persons guilty of any of these offences are called felons.

Smaller faults and omissions of less consequence, such as common assaults, affrays, and mere riots, have the gentler names of misdemeanours.

As it is more important to prevent and punish the commission of great crimes than of the lesser offences, the constable has a greater power in cases of felonies than in those of mere misdemeanours.

But the first duty of a constable is always to prevent the commission of a crime.

We shall therefore now show him what power he has to arrest a

party, whom, from his situation and character, the law judges to be likely to commit some felony.

Thus the constable may arrest one whom he has just cause to suspect is about to commit a felony.

As when a lunatic, or a drunken person, or a man in a violent passion, threatens the life of another, or when people are fighting furiously, or breaking into a house, or doing such things which are likely to lead to the commission of any felony, the constable should interfere and arrest the parties.

So any person having in his possession any pick-lock key, crow, jack, bit, or other implement, with intent feloniously to break into any dwelling-house, warehouse, coach-house, stable, or out-building, or being armed with any gun, pistol, hanger, cutlass, bludgeon, or offensive weapon, or having upon him any instrument, with intent to commit any felonious act.

Every one being found in any dwelling-house, warehouse, coach-house, out-house, or stable, or in any enclosed yard, garden, or area, for any unlawful purpose.

Every suspected person, or reputed thief, frequenting any river, canal, dock, or any wharf or warehouse near thereto, or any street, highway, or place adjacent, with intent to commit a felony, may be arrested.

In each of these cases the constable must judge from the situation and behaviour of the party what his intention is. In some cases no doubt can exist, as when the party is a notorious thief, or acting with those who are thieves, or when the party is seen to try people's pockets in a crowd, attempt to break into a house, or has endeavoured to carry off any property secretly from another; but the

constable shall not act hastily, if the intentions are not thus clear, but content himself with watching closely the suspected party, and he will probably soon discover what his intentions really are.

The constable must arrest any one he sees in the act of committing a felony.

Also any one whom another positively charges with having committed a felony.

So upon the suspicions of another, if the grounds of the suspicion appear to the constable to be reasonable, and the party entertaining them go with the constable.

So, though no charge be made, yet if the constable suspect a person to have committed a felony, he should arrest him; and if he have reasonable grounds for his suspicion, he is justified, even though it should afterwards appear that no felony was in fact committed.

But the constable must be cautious in thus acting upon his own suspicions.

Yet, generally, if the arrest was made discreetly and fairly, in pursuit of an offender, and not from any private malice or ill-will, the constable need not doubt but that the law will protect him.

If after sunset, and before sunrise, the constable shall see any one carrying a bundle, or goods, which he suspects were stolen, he should stop and examine him first, and may detain him; but here also he should judge from all the circumstances—the appearance and manner of the party, his account of himself, and so on,—whether he has really got stolen goods, before he actually takes him into custody.

The constable must make every exertion to effect the arrest, and the law gives him abundant power for the purpose. If the felon or

party accused fly, he may be immediately followed wherever he goes; and if he take refuge in a house, he, the constable may, first stating who he is, and his business, break open the doors, if necessary, to get in. But the breaking open outer doors is so violent and dangerous a proceeding, that the constable never should resort to it except in extreme cases, and when an immediate arrest is necessary.

There are cases, however, in which a constable may and ought to break into a house, although no felony has been committed,—that is, from the necessity of the cases, which will not admit of delay; as when persons are fighting furiously in a house, or a house has been entered by others with a felonious intent, and a felony will probably be committed unless the constable interfere, and he cannot otherwise get into the house; but except in such cases, the constable usually ought to wait till he gets a warrant from the magistrate.

If the constable find his own exertions, or those of the other constables there, insufficient to effect the arrest, he ought to require all persons present to assist him, and they are bound to do so.

If a prisoner should escape, he may be retaken; and on immediate pursuit, the constable may follow him anywhere, or into any house, whether his own or another's, in which he has taken refuge.

In cases of actual breaches of the peace, as riots, affrays, assaults, and the like, committed within the view of the constable, he should immediately interfere (first giving public notice of his office, if he be not already known), separate the combatants, and prevent others from joining in the affray. If the riot, &c. be of a serious nature, or

if the offenders do not immediately desist, he should take them into custody, securing first the principal instigators of the tumult, and do every thing in his power to restore quiet. So if persons go about at night armed, or in any other such manner as to excite great suspicion that a breach of the peace is intended; or if there be a disorderly noise and drinking, in a house at an unseasonable hour of the night, it is the duty of the constable to arrest the parties. So he may equally, as in other assaults, arrest any one assaulting or opposing him in the execution of his duty.

If a person forcibly enter the house of another, the constable may, at the request of the owner, turn him out directly. If he have entered peaceably, the constable should first request him to go out; and unless he do so, he should turn him out: in either case using no more force than is necessary for that purpose. So, when the offence has not yet been committed, but when a breach of the peace is likely to take place, as when persons are openly preparing to fight, he should take the parties concerned into custody. If they fly into a house, or are making such preparations to fight within the house, the constable should enter the house to prevent them, and likewise take the parties into custody; and should the doors be closed, he may break them open, if admission is refused, after giving notice of his office, and his object in entering.

If any party threaten another with immediate personal violence, offer to strike, or draw a weapon upon another, the constable should take him into custody; but if persons are merely quarrelling or insulting each other, the constable has no right to take them into

custody, but should admonish them to refrain.

The constable cannot, in cases of misdemeanour, arrest a party after the matter has happened, upon the charge of another; though if another deliver to him a person whom he charges with having committed such a breach of the peace, the constable is bound to take charge of him.

If a party, charged with a misdemeanour, escape out of custody, he may be pursued immediately any where; and if he take refuge in a house, the doors may be broken open after demand of admission, and notification by the constable of his office, and object in coming.

After the arrest, the constable is in all cases to treat a prisoner with kindness and humanity, and impose no constraint upon him but what is necessary for his safe custody.

In all cases it is desirable to take the prisoner as soon as convenient before the sitting magistrate, who will dispose of the case. At night he is to be taken to the division station, or, in cases of necessity, to the nearest place of safety.

It will frequently be more advisable for the constable to get a warrant from a magistrate before he acts in taking parties into custody. The constable is bound to follow the directions contained in the warrant, and to execute it with secrecy and dispatch; in doing so he has equal power as when he acts without a warrant, in the manner that has been already stated.

If the warrant cannot be executed immediately, it should be within a reasonable time afterwards. He must execute the warrant himself, or when he calls in assistance must be actually present. Upon all occasions he ought to state his

authority if it be not generally known, and should show his warrant when required to do so; but he should never part with the possession of the warrant, for it may be material for his own justification afterwards.

When the constable gets within reach of a party against whom he has a warrant, he should, in order to make the arrest, touch his person, or shut him up in a room, stating at the same time that he makes him his prisoner. When the person to be taken is not personally known to the constable, he should in some way be able to identify him, as, by taking some one with him to whom the party is known, or by some marks, &c., previously given him. Upon the arrest being made, the prisoner is to be taken before the magistrate as soon as convenient. When the prisoner is brought to the justice, he still remains in custody of the constable until his discharge or committal.

The constable may enter a house to search for stolen goods, having got a search-warrant from a magistrate for that purpose. He should in general execute it in the day-time. If he finds the goods mentioned, he is to take them to the magistrate, and when the warrant so directs, the person also in whose possession they are found: to avoid mistakes, the owner ought to attend at the search to identify the goods.

In the classes of offences which are now to be enumerated, there frequently occur cases in which it is not desirable that the law should be enforced against the offenders; the constable will therefore not notice them, unless when the offence may be committed with such circumstances of aggravation or mis-

chief and offence to the public as to require his immediate interference, or unless he receives a special command from his officers. But he should know that he has power to apprehend and carry before a justice of the peace—

Every common prostitute wandering in the public streets or public highways, or in any place of public resort, and behaving in a riotous or indecent manner.

Every petty chapman or pedlar wandering abroad without being duly licensed, or otherwise authorised by law.

Every person wandering abroad or placing himself or herself in any public street or highway, court, or passage, to beg or gather alms, or causing, or procuring, or encouraging any child or children so to do, all such being declared by the law idle and disorderly persons.

Any person committing any of the foregoing offences a second time after a former conviction.

Every person professing to tell fortunes, or using any subtle craft, means, or device, by palmistry or otherwise, to deceive or impose on any of his majesty's subjects.

Every person wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any cart or waggon, not having any visible means of subsistence, and not giving a good account of himself or herself.

Every person wilfully exposing to view in any street, road, highway, or public place, any obscene print, picture, or other indecent exhibition.

Every person wilfully, openly, lewdly, and obscenely exhibiting his person in any street, road, or public highway, or in the view.

thereof, or in any place of public resort, with intent to insult any female.

Every person wandering abroad and endeavouring, by the exposure of wounds or deformities, to obtain or gather alms.

Every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence.

Every person playing or betting, in any street, road, highway, or other open or public place, at or with any table or instrument of gaming, at any game, or pretended game, of chance.

If any carter, drayman, carman, waggoner, or other driver, shall ride upon his cart, dray, car, or waggon, in London, or within ten miles thereof, not having some other person on foot, to guide the same, he may be stopped, apprehended, and carried before a magistrate as soon as may be convenient. If the driver of any carriage shall, by negligence or wilful misbehaviour, interrupt the free passage of his Majesty's subjects, he may be apprehended and conveyed before a justice. Also, if the coachman, guard, or other person having the care of any coach, or other carriage, shall by intoxication, or wanton or furious driving, or any other wilful misconduct on the public highway, injure or endanger any person, he may be apprehended.

So it is lawful for any man, belonging to the said police force, during the time of his being on duty, to apprehend all loose, idle, and disorderly persons, whom he shall find disturbing the public peace, or whom he shall have just reason to suspect of any evil designs, and all persons whom he shall find

between sunset and the hour of eight o'clock in the forenoon, lying in any highway, yard, or other place, or loitering therein, and not giving a satisfactory account of themselves, and to deliver any person so apprehended into the custody of the constable appointed under this Act who shall be in attendance at the nearest watchhouse, in order that such person may be secured until he can be brought before a justice of the peace, to be dealt with according to law; or may give bail for his appearance before a justice of the peace, if the constable shall deem it prudent to take bail.

No shop, room, or place for the sale of ready-made coffee, tea, or other liquors, shall be kept open after 11 o'clock at night, during any part of the year; nor opened before four in the morning between Lady-day and Michaelmas, or before six in the morning between Michaelmas and Lady-day.

If any such are open, or being shut, any persons during the said hours shall be found therein, except the persons actually dwelling there, or having lawful excuse for being there, master, mistress, waiter, or other person having care or management of such shop, &c., the constable should make complaint next day to the sitting magistrate.

Any one blowing any horn, or using any noisy instrument, for the purpose of hawking, selling, or distributing any articles whatsoever, constables may apprehend.

If any person in any public street or place beats or dusts carpets or drives any carriage for the purpose of breaking or exercising, or trying horses; or shall ride any horse for the purpose of trying or showing it for sale in such a man-

ner as to cause danger or great annoyance to passengers; or throws any ashes, dirt, rubbish, dung, or any filth upon the carriage or footway; or shall slaughter or cut up any beast, swine, or sheep, so near any public street that any blood or filth shall flow upon the pavement; or rolls or drives upon the footway of any street any waggon, cart, or other carriage, or wheel a wheelbarrow or truck, or any cask or barrel, or rides or drives any horse or other beast upon any of the footways; the constable may apprehend the party and take him before the magistrate; but if he know the party, or can discover his residence, the best way is for the constable to lodge his complaint with a magistrate, who will then issue a summons for the party to appear.

If any person slack or sift lime in the streets, unless he can show the consent of the Commissioners of the Pavements for so doing, complaint may be made to a magistrate; if entrances to coal-holes and cellars are not properly secured, so as to prevent danger to passengers, complaint should likewise be made; if any scavenger or any person sweeps or places the mud, dirt, or rubbish, into any of the drains or sewers, complaint may be made in the same way.

During or after a fall of snow, or any frost, if the occupier of any house or building do not once in every day, except Sunday, before the hour of ten o'clock in the fore-

noon, sweep and cleanse the footway along the front or sides of their premises, complaint is to be made.

Any person carrying in any cart through the street soap-les, night soil, slop or filth, without having a proper covering to prevent the same from spilling in the streets, or driving any cart, with such soap-les, &c., in it through the streets, at any time between the hours of six o'clock in the morning and eight in the evening, may be taken into custody at the time, or they may be summoned afterwards before a magistrate.

If any person empty any bog-house, or take away any night soil from any house in the streets, except between the hours of twelve o'clock in the night and five in the morning, from Lady-day to Michaelmas, or before six o'clock from Michaelmas to Lady-day, or if any person shall put any night soil in or near any of the public streets, the constable should apprehend them immediately, and keep them in confinement till they can be conveniently carried before a magistrate, and may take their horses, carts, &c., to some place of security, to be kept till the decision of the matter. In most of these cases it is desired that the constables should only ascertain the party, and take the measure of finding him afterwards, and report the case to the superior officer, and directions will be given him for his further guidance.

REPORT of the COMMISSIONERS for examining and printing the PUBLIC RECORDS of the Kingdom.

To the honourable the House of Commons in Parliament assembled.

In obedience to the order of your honourable House, dated 6th May, 1829, directing that

there be laid before the House
 “ A Return of all the Works now in progress under the direction of the Record commission; also of Works preparing for the press, but of which the printing is not yet commenced, together with an account of the extent and magnitude of such intended publications, the time within which each of them may be completed, and the probable expense of each ;”—

I humbly beg leave to state as follows:—

England. — Works now in progress.”

I.—Inquisitions Post Mortem.

The records thus entitled commence at the Tower, with the reign of Henry 3rd, and are preserved there, until the reign of Richard 3rd inclusive; from this time to the twentieth year of Charles 1st, they are extant in the Chapel of the Rolls.

The calendars to the Inquisitions at the Tower have been made complete in four volumes, the first of which was published in 1806, the last in 1828.

On completion of the Tower series, it became necessary to commence that at the Rolls Chapel, which has accordingly been done; and it may be confidently expected that these calendars may be comprised in six volumes, and that for various reasons, especially from the records themselves having been for some years past in course of reparation and arrangement, they may be made complete in print in less than half the time that the Tower series occupied, and probably at an expense not exceeding 2,400*l.* per volume, printing and editorship inclusive. This statement has been drawn up with the assistance of Mr. Palmer, who

is to furnish copy for the press, and who is chief clerk to John Kipling, esq., keeper of the records in the Rolls Chapel.

II. — Valor Ecclesiasticus. — 26 Hen. VIII.

Of this record, remaining in the office of First Fruits, the first volume was printed in 1810, and the whole work finished in 1825, in five volumes, including indexes to each volume, of places and persons; in addition to which, it having been deemed essential that a general index to the entire work should be subjoined in a sixth (and last) volume, this compilation has been proceeded upon, and has recently been finished in manuscript: meanwhile there have fortunately been discovered in the Augmentation-office and Chapterhouse, Westminster, certain supplementary articles connected with this Ecclesiastical Valor, and of the same date; these are now in the press, by way of appendix, and as soon as they are finished, the general index will be put to press, and proceeded upon with all despatch consistent with accuracy. The expense, it is thought, will be under 2,000*l.*, printing and editorship inclusive; and Mr. Lemon, the compiler of the general index above-mentioned, is of opinion that it will probably be finished in less than two years.

III. — Rymer's Fœdera. — New edition enlarged.

The new edition of this work was ordered by the Commissioners to be prepared for the press in 1813, and the first part, or volume, was published in 1816, commencing with the reign of William the Conqueror; since then it has been carried on to the sixth part, or

volume, the last bringing down the work to the end of the reign of Edward 3rd; the last part, however, though very nearly complete as to the text, cannot be published for a few months on that account, and because the index is of course not quite ready.

Calculations have been formed within what compass of volumes this work can be contained, for the period to which the Tower records extend, namely, the reign of Richard the third; and it appears there is reason to believe it may be comprehended within the quantity of nine volumes or parts, in addition to those already printed; the probable time of executing it will be but little more than twelve years, as apparently the most difficult periods of the work have already passed. With regard to the expense likely to be incurred, it will be, perhaps, including printing and editorship, about 2,900*l.* per volume. In the above calculation, the editors, viz., the secretary, Mr. Holbrooke, and Mr. Bayley, of the Tower, which last-mentioned person furnishes the most considerable portion of copy for the press, are agreed in opinion as to the above estimate of time and expense.

In respect to the continuation of the work to the time when Sanderson's edition, in twenty volumes, ceased, it seems quite impossible at present to calculate how many years, or at what expense, the work could be made complete.

IV.—Records of the Duchy of Lancaster.

Two volumes of Calendars to these records have already been published, the first in 1823, the second in 1827. A third volume

is in the press, but not in great forwardness.

The Calendars now in progress have extended to the 27th year of queen Elizabeth, and it may be expedient to continue them to the reign of Charles 1st, inclusive.

The present volume, and two more, it is thought, will be sufficient to comprehend the whole; probable time, eight years; expense about 1,700*l.* per volume, which will include editorship as well as printing. The secretary and Mr. Minchin, who are the editors, are agreed that this time and expense will be sufficient.

V.—Calendar of the Proceedings in Chancery,—Tower.

These Calendars or Indexes extend through the reigns of Elizabeth, James 1st, and Charles 1st.

The first volume was published in 1827; the whole of the second volume is printed, with the exception of the index.

Five volumes more will be required to make the work complete to the reign of Charles 1st inclusive; and it is conceived that they may, without inconvenience, be finished in seven years from the present time, at a probable expense of 2,500*l.* per volume, printing and editorship inclusive. Mr. Bayley, of the Tower, who (assisted by the secretary) is the editor, concurs in this statement as to time and expense.

VI.—Rolls of Parliament.—New edition. Mr. Palgrave.

This comprehends the records and proceedings of the great Councils and Parliaments of the realm, from Henry 2nd, to the close of the reign of Henry 7th.

The collections began in 1823, the printing in 1825. One vo-

lume, containing the Parliamentary Writs, temp. Edward 1st, has been published, consisting of 1152 pages, and two parts of the Parliamentary writs, &c. temp. Edward II. are in the press, of which last-mentioned parts 1468 pages are worked off.

The collections for the later reigns not being completed, the entire extent of the work cannot be exactly calculated; but it appears that the materials for the reigns from Henry 2nd, to Edward 3rd, both reigns inclusive, will form about nine volumes or parts, each volume or part containing from 1,000 to 1,200 pages. On the average, a part or volume of the before-mentioned bulk will be completed in each year, at an expense not exceeding 2,000*l.*, and which sum includes editorship, collation, transcripts, clerks, stationery, and all incidental disbursements, printing excepted: which the king's printer states will probably be about 3,000*l.* per volume.

Mr. Palgrave, the editor, has also annexed a statement, in accordance with the above, in a letter to the secretary, which is given at length, by way of appendix.

Work preparing for Press.

VII.—Materials for a History of Britain, from the earliest period to the accession of Henry 8th. — Mr. Petrie and Mr. Sharpe.

The first portion, reaching to the year 1066, will make five volumes. Two of these are ready for press immediately; the printing and paper for an edition in folio, of 750 copies, the number at present ordered by the Board, will cost about 1,350*l.* per volume; on the supposition that each volume will contain 1,000 pages. The work,

it is conceived, cannot be contained in less than from twenty to twenty-five volumes; with respect to the expenses of editorship, Mr. Petrie and Mr. Sharpe, to whom this publication is intrusted, state their inability to set forth the probable amount, before the first portion be completed; and they decline accepting any remuneration until that period arrives; neither are they able to state with certainty the length of time which the work will require to its completion; not less than one year, however, for each volume, will be requisite. The above statement has been made by the editors, Messrs. Petrie and Sharpe.

VIII.—Reparations of Records in Public Repositories.

This necessary operation commenced by order of the Board on the 1st July, 1819, and has been continued to the present time, and is still in progress.

The following are the names of the offices in which these operations have taken place:—

1. The office of the First Fruits.
2. The Lord Treasurer's Remembrancer.
3. The King's Remembrancer.
4. The Duchy of Lancaster.
5. The Rolls Chapel.
6. The Chapter House Westminster.
7. The Augmentation Office.

The documents which required reparation in the office of First Fruits, and in that of the lord Treasurer's Remembrancer, have been completed; those in the King's Remembrancer's Office have only in part been completed (*viz.* about six hundred bundles of Exchequer proceedings), on account of great part of the records in the office having been removed into

Westminster Hall, as a place of temporary deposit, in the year 1824, and the consequent disability of carrying on the work properly, until a more fit place of deposit could be provided for them.

The offices still remaining incomplete, are,

1. The Duchy of Lancaster, in which office 240 volumes have been formed from bundles, and bound, containing Inquisitions Post Mortem, Pleadings, Surveys, &c. from Henry 7th to the 23rd, of Elizabeth.

2. The Rolls Chapel. — 162 books, comprehending the series of Inquisitions Post Mortem, from the reign of Henry 7th to the 12th year of Queen Elizabeth, have been bound in folio, which previously were in bundles, and consequently not easy of reference.

3. The Chapter House, Westminster. — 308 volumes have been bound in folio and quarto, containing valuable historical and other papers, surveys, rentals, &c., of various periods from early time.

4. The Augmentation Office. — 287 volumes, in folio and quarto, of a similar nature with those at the Chapter House, including also more than 5,000 deeds, have been bound, and nearly 10,000 rolls, most of them previously unarranged, unknown, and obscure, have been completely repaired, newly with parchment backs, and labelled, and endorsed with the titles of their contents. To the operations above-mentioned the secretary to the Board has given his general superintendence over all the works here described, and his more particular attention to the two last-mentioned offices; every book and roll having been inspected and marked by him, for all which, however, as yet, he has received no remuneration whatever.

It will be observed, that ten years nearly have been employed upon these reparations; the whole amount of charge during that period has been 6,187*l.* 6*s.* 7*d.* consequently these works have very little exceeded in expense, one year with another, the sum of 600*l.*, and the whole has been paid for binding and mechanical labour.

How much longer it may take to put the present offices in a state of complete arrangement, cannot be stated with any degree of precision.

Scotland. — Works in progress at the Press.

I. — The Acts of the Parliaments of Scotland.

Of this work ten volumes are already printed; viz. from the second to the eleventh inclusively. The first volume, with its introductory prolegomena, is in progress at the press, and may probably be completed within the present year. The indexes of matters to the whole work will constitute the twelfth and last volume, but cannot be in readiness for the press in less than two years from this time. Each of these volumes will extend to about 600 pages; the printing and binding of each volume will cost about 1,500*l.* The expense of transcription, and other editorial expenses, cannot be exactly ascertained, but in addition to those already incurred and provided for, they may be estimated at under 1,000*l.*

II. — Collection of Ancient Royal Charters.

Of this work a part is already printed, which is intended ultimately to form the first part of the second volume of a work which

will extend to three volumes in folio. The expense of printing the portion of this work above alluded to exceeded 1,000*l.* but if the number of copies should be reduced from 1,000 to 500, the expense of the whole that remains to be executed would probably not exceed 2,000*l.* The expenses of transcription and other editorial expenses would amount to at least an equal sum. From the peculiar nature of the work, four or five years would still be required for its completion.

III.—Abridgment of the Registers of Seisins.

This is a work not intended for general circulation, but solely to facilitate researches in the General Register House, which are at present of a most laborious, tedious, and expensive kind; and of which the difficulty has long been progressively increasing. The abridgment commences with the year 1781, and the first 20 years have been nearly completed at press; and this portion of the work will amount to 3,500 pages in folio. The second series of 20 years, will, in extent, exceed the first by at least one-half, and cannot be safely completed within less than four or five years.

It is a work which must afterwards proceed progressively at nearly the same rate. Only twenty-four copies are printed, and the expense on that head amounts to about 2*l.* 10*s.* per sheet. The expenses of compiling, transcribing, &c., amount at present, to about 1,100*l.* per annum, and

cannot be greatly diminished till the arrear be fully brought up.

Works preparing for the Press.

I.—Abridgement of the Register of the Great Seal.

The compilation of this work has been in regular progress since the year 1824; its probable extent, when printed, has been calculated at two closely-printed volumes in folio, on the supposition of its being brought down to the Union in 1707. The state of the actual compilation, however, which comes down only to the reign of Queen Mary, renders this conjecture uncertain. Several years, not less than four, must be required to complete the abridgment, but in the mean time it will be sent to the press; and on the supposition of its amounting to two closely-printed volumes of 700 pages each, the expense of printing may be estimated at 3,000*l.*, and the other editorial expenses at from 1,600*l.* to 2,000*l.*

II.—An Abridgment of the Register of Entails.

A selection from the records of Privy Council. An index to the Register of Entails.

Considerable preparations for these works have been made, but at present their completion remains suspended.

JOHN CALKX.
Secretary to his Majesty's Commissioners on the Public Records.

June 11, 1829.

II.—FOREIGN.

REPORT of the FRENCH ROYAL COMMERCIAL COMMISSION.*

The minister of commerce might, more readily than any other individual, have relied upon his own experience, with regard to the customs duties, and to his own information in matters of trade, considered under the head of public economy. Nevertheless, he was the first to apply to the administration that system of investigation and inquiry which it becomes a representative government to adopt.

In the course of the months of November and December last, certain proprietors of mines and forests, forge-masters, iron-merchants, iron-founders, and artificers, were separately called before a commission of inquiry, under the presidency of the minister of commerce. They were examined, attended to, and allowed to offer suggestions with regard to the condition, wants, grievances, and wishes of those connected with the fabrication and trade in iron.

Persons, the most able and skilful among the colonial planters, the beet-sugar makers of France, the refiners, the merchants in every kind of sugar, have likewise been heard and consulted upon what concerns the growth, manufacture, and trade in sugar.

Doubtless this great undertaking is continued, and will be suc-

cessively applied to all the various branches of industry, putting us in the way of reforms and improvements which it is now more desirable than ever to carry into our system of imposts and commercial policy. Not, as some sanguine and impatient people suppose, that a clear light can at once burst forth, or that projects of laws and ordinances can proceed exclusively from these inquiries into each particular interest. As in other instances, each individual will pay attention to his own affairs in preference to all other considerations. Such is, such cannot fail to be, the defect of this sort of inquiry; but that affords no reason for abandoning the plan, nor, as it seems to us, is it sufficient to induce us to proceed otherwise.

The two processes verbal, which we have already seen, together with the report of baron Pasquier upon the first, and that of the count d'Agout on the second, form by themselves two thick volumes. When the opinions and pretensions of every interest obtained in the same way shall have been collected and submitted to the examination of able men, they will certainly afford the materials best calculated to enable the Chambers and the king's ministers to form a correct opinion upon questions of commercial legislation, particularly with respect to the customs.

The budget of the present year contains a sum of 99,000,000 francs received under the head of customs. Of this, 24,400,000

* The members of the commission, eighteen in number, are the barons Portal, Pasquier, de Barante; the duke de Fitzjames; counts d'Agout, de Tournon, de Kergariou; Messrs. de Berbis, Humann, Pardessus, Oberkampf, Duvergier de Hauranne, Jacques Lefevre, Gautier de Preville, Filteau de St. Hilaire, Desboudis, David.

frances almost twenty-five per cent have been expended on account of collection and management. In fact, considering its nett produce, this of all imposts is the most expensive; consequently, it is the first of which it would be desirable to endeavour to disencumber the contributors, if the matter were considered merely in a pecuniary point of view.

But the customs are not merely a tax—they are also, and indeed especially, an instrument of administration, the necessary regulator of the efforts of industry and national commerce, a mean of defence that should not be allowed to slip, against the invasion of foreign trade and industry, a charge like that of the administration of justice and the maintenance of strong holds, to which society should submit even though the public treasury could not derive from it any advantage. Of all the numerous and complicated considerations which the budget comprehends, this (of the customs) is one of the most difficult and delicate, when viewed not only as a financial question, but as a question of economy. It is with reference to this latter head, exclusively, that the commission of inquiry has been occupied. Nowhere is the consideration of the amount of pecuniary produce more secondary,—in no case would it be so mischievous that that consideration should predominate.

The industrious population is divided into two productive classes, productive by different means, and in many respects opposed in interest. The one, which comprehends the husbandman, the miner, the herdsman, and all the various branches of these three principal divisions, finds employment in ex-

tracting from the bosom of the earth substances useful to man. Its products, which are raw and necessary materials, possess a commercial value determined by the amount of capital which it is necessary to expend in obtaining them, and never greatly exceeding that amount.

To the other class belong the manufacturer, the workman, the artificer of all sorts of things, who work up the raw material into an infinite variety of forms, and by the mere labour of their hands add to its value a price indeterminate, and, it may be said, without limit.

In every country the former of these two classes has more to lose than gain by importation. Among us what is at present necessary for it almost exclusively is, that it should continue mistress of the markets of the interior—that is, that we should shut out the competition of foreign products, which this class can scarcely sustain upon any point. It seeks to be protected from the introduction of the grain of Odessa, the sugar of India, the iron of Sweden, the hardware of England, the wool of Spain, and black cattle from beyond the Rhine. To effect this, it calls for the assistance of customs, and always finds the tariffs too low.

The class of manufacturing industry has also some interest in excluding from our markets certain rival productions of foreign fabric. But, in addition to this, competition becoming daily less formidable to it in proportion to its own increased skill, freedom of importation in general will more than compensate it for any injury it may sustain by the fall which will thus be occasioned in the price of necessities. The class of jewellers, therefore, every thing considered,

is but little inclined to favour the system of customs.

It is the same, and for a stronger reason, with consumers at large, who, without understanding the question generally, perceive in the operation of the customs nothing but an obstacle to their procuring provisions, clothing, and household goods, at the best market.

Then beyond these clashing private interests rise the interests of the public; the necessity of holding equally, if not inclining in favour of France, the balance of trade with foreign nations, so as not to give to the latter the advantage over us which a creditor has over a debtor, but if possible to preserve that advantage over them; the necessity of attaching a revenue to territorial property, in order not to expose to the risk of perishing this, if one may so call it, eldest branch of the social family, and by the same stroke to dry up the most certain as well as the most abundant source of the national wealth; in fine, the great importance which it is to the future prosperity of the country to protect the national industry, feeble as it still is in many respects, and to afford it time and opportunity to acquire sufficient force to maintain the contest which it is called upon to sustain in the competition with foreign industry.

Such are the end and incontestable utility of the customs, considered as an instrument of government;—such are the interests which the commission of inquiry is called upon to consider, and if possible to reconcile one with another.

Let us observe, on the other hand, for this is the grand objection, that the prohibitive action of the customs on the import trade, which it is necessary to restrict to

a certain limit, re-acts to that point upon our export trade, which it would be desirable to extend as much as possible. It will be readily perceived, that our neighbours as well as ourselves must be anxious to maintain the balance of trade, and with that view, to oppose on their side the introduction of our produce, by the same restrictions and the same duties by which we resist the introduction of theirs. Thus we see that every where the wines of France are subjected to those enormous import duties, of which the departments of the South complain so vehemently this year, and which they chiefly attribute to that kind of prohibition to which the introduction of foreign iron is subjected.

This question of iron, which occupied the earliest attention of the commission, affords also an example, remarkably singular, of the utility of the operation of the customs, and of rigorous tariffs for the development and maintenance of certain branches of the national industry.

The necessity of our supplying ourselves during twenty-five years of maritime warfare, and of continental blockade, gave rise to a great many speculations and establishments for the working and improvement of our native iron. These created employment for vast capital and for a great many hands. The value of property in wood (the only fuel then used in forges) was soon very considerably increased, and this increase gave rise to new fortunes and new interests. In the year 1818, the (iron) manufactories of France gave to commerce 800,000 quintals of wrought iron, which, in leaving the manufactories, represented a value of 40,000,000 of francs, 50 francs the

metrical quintal, the lowest price at which our forge-masters could sell it.

In the mean time the English, on their side, unknown to us, discovered and perfected the mode of employing pit-coal, and using it in the smelting of iron ores. This advantage, joined to that which they always enjoyed of an abundance of iron ores, was such, that when commercial intercourse was opened, it was found that the English could supply our markets with wrought iron at 21 francs the metrical quintal, nearly sixty per cent less than that at which our iron-masters could produce it in France.

It would undoubtedly happen that the inevitable effect of this so great difference of price between the foreign and domestic produce would be to us the cessation and total abandonment, without chance of restoration, of the whole of the iron manufacture of France, the ruin of thousands of families who had already applied themselves to that branch of industry, an enormous and sudden decline in the value of property in woods and forests;* and altogether to throw into the balance of trade in favour of England the price of all the iron which might be consumed in France.

To guard against such individual disasters, as well as so great a public loss, it became necessary that the produce of the English forges should not be allowed into our markets at a lower price than that of the forges of France. It was to this that the operation of the customs was directed. By means of an import duty of 27f. 50c. per quintal, this foreign iron could not

come into the market under 48f. 50c. The same price, within three per cent at which the iron of France then was. This regulation was doubtless adopted in order not to make any change in the condition of the consumers, indeed rather to ameliorate it a little, and at the same time to stimulate the industry of the home manufacturer by giving him the alternative either of having this 3 per cent taken from his pockets, or of finding means of producing, at a less expense, this article, which was especially necessary for the great interests of the country. The preservation of the national industry being thus guaranteed, and the trade fortified by the protecting duty, the manufacturers did direct their attention, as well to the improvement of the old process of working, as to enable themselves to use the new process. The quantity of wrought-iron, which had been only 800,000 quintals in 1818, in 1826 had risen to 14,000,000, and since then it has increased about 100,000 more.

In the latter end of 1828 there were already in France fourteen blast-furnaces, worked like those of England with coke or pit-coal, and capable themselves alone of producing 800,000 quintals of iron. At the same period there were twelve other furnaces of this description building, and companies were forming for the establishment of a greater number.

Within the last three or four years there have also been discovered in the departments of Gard and Aveyron, coal-pits of more or less extent, close to abundant strata of iron ore of excellent quality.

We have reason to believe, that when the facility of conveyance by

* The value of the wood consumed in each year in the manufacture of iron has been valued at 30 millions of francs.

means of canals and railways shall have been added to the improvements and discoveries already made, the forges of France will produce a sufficient quantity, and at so reasonably low a price, as to put an end to the necessity of importation, at the same time that the artisan and consumer will have no cause to regret the low price of foreign iron.

Under these considerations, and many others which have resulted from the inquiry, the commission, after mature deliberation, being unanimously convinced that the period has not yet arrived for abandoning the iron trade to itself, and for depriving it of the protection of the import duty, is of opinion that "for the present there should be no change made in the import duty upon iron, but that the tariff may be reduced one-fifth (20f. instead of 25f.) in the course of five years."

As regards sugar, the state of the question is very nearly the same. The object in view was, to secure a preference in our markets to sugar grown in our own colonies, over that coming from those of other countries, and at the same time to take care that the very low price of either should not become an obstacle to the propagation and the progress of a branch of the national industry altogether new, and the creation of which arose from the continental blockade at a time when colonial sugar cost five or six times more in France than in any other country. We speak of the art of extracting sugar from beet-root, the first attempts at which did not, as will be remembered, make the fortunes of those who engaged in them, and were very far from promising what we have good grounds at present

to expect, or indeed the success that has been already obtained.

One of the manufacturers examined before the commission has stated, that the beet-root sugar, which he sells in the market at 1 franc 20 centimes the kilogram, with a profit of eleven per cent, stood him in 5 francs in the year 1811, on which he was satisfied to sustain a loss of ten per cent. On the other hand, it appears from tables laid before the commission by the Minister of Commerce, that there are at present in France eighty-nine sugar factories, the produce of which may be estimated at 4,400,000 kilogrammes; that is to say, equal to about a fifth of the quantity of foreign sugar consumed in France. This industry, it is said in the *exposé* of the minister, makes this very moment, as well by the preparations which are making for the erection of new factories as by the adoption of new processes, an advance calculated to give a very rapid increase of production.

But for this purpose it will be necessary that the duty should assist it for some years to come. The makers of native sugar insist, then, upon the keeping up of the present tariffs. Moreover, these manufacturers, admitting fully that beet-root sugar may and ought at some period to be taxed, maintain that to subject it at present to any duty whatever would be to ruin almost all the factories in existence, while it would, at the same time, prevent the creation of any new establishment. They also argue, that as long as we have colonies, it will be but justice to secure their produce a preference in our markets.

To sum up, the commission of inquiry has come to this conclusion,

that without at all diminishing the duty of 24f. 75c. upon the sugar of our own colonies, which raises their price on coming out of bond into the market to 71f. 75c. the quintal, the duty upon the sugar of foreign colonies has been fixed at 41f. 25c., so that they shall not be able to come into the market at less than 78f. 75c. per quintal.

And with respect to the home-made sugar,—that from beet-root, while the just right to impose a duty upon it at some time or other, similar to that now imposed on

wines, is not given up, the commission has thought fit to anticipate nothing in this respect; their wish is, that until an altered state of circumstances shall arise, the home-made sugar shall be free from all duty whatsoever.

Thus the most important result of these branches of the inquiry will be, that for the present there is to be scarcely any change in the tariff of duties, and in the state of affairs, so far as iron and sugar are concerned.

DIPLOMATIC CORRESPONDENCE *regarding the Introduction of the*
PORTUGUESE CONSTITUTION.

No. I.—Mr. Secretary CANNING
to Sir WILLIAM A'COURT.

(Extract)

Foreign-office, June 28, 1826.

Although it is scarcely possible that the intelligence which has been received at Paris from Rio de Janeiro should not be already known at Lisbon, or at least should not arrive there before this packet, yet (to leave nothing to chance) I enclose to your excellency the copy of a despatch, received yesterday from his majesty's ambassador at Paris, enclosing the publication in the *Moniteur* of the act by which the emperor of Brazil abdicates the Crown of Portugal in favour of his daughter.

In this act reference is made to another, by which his imperial majesty has given a constitution to the kingdom of Portugal. But of that act (whether it has not been received in France, or whether lord Granville has inadvertently omitted to forward it) I am not enabled to send you a copy.

(Signed) GEORGE CANNING.
His Excellency Sir Wm. A'Court,
G.C.B., &c.

No. II.—Sir CHARLES STUART to
Mr. Secretary CANNING.

(Received July 7.)

(Extract)

Rio de Janeiro, April 30, 1826.

His Imperial Majesty then talked of conciliating the affections of the Portuguese by giving them a constitutional charter; and, if the war should turn out unsuccessfully in the south, of obtaining military succour from Portugal, with a view to diminish the burthen, which is already severely felt in this country.

My suspicion of the principles which such a charter might promulgate, induced me to point out the necessity of caution; saying, that if the mere convocation of the Cortes, who were the ancient and legitimate institution of the kingdom, was viewed with jealousy by Spain and France, what mischief might not be produced by a change, in which the Cortes had borne no part; and M. de Paranagua, who saw his majesty soon after, entered so fully into the spirit of this objection, that, for several days, no other constitutional system but

such as should be founded upon the ancient institutions of Portugal was thought of.

(Signed) CHARLES STUART.
The Rt. Hon. Geo. Canning, &c.

No. III.—Sir CHARLES STUART
to Mr. Secretary CANNING.

(Received July 7.)

(Extract)

Rio de Janeiro, April 30, 1826:

The Council did not separate, on Friday, until they had determined upon a complete change of measures, since it was resolved that his imperial majesty should merely accept the Crown of Portugal for the purpose of giving to that kingdom a constitutional charter, suited to the circumstances of the times, and that, in the event of this charter being favourably received, and his eldest daughter given to the Infante Don Miguel, he should abdicate in her favour.

I thought the consequences of this change too important to be passed over without comment, and I therefore waited upon his imperial majesty.

I took the liberty of remarking to his majesty, that since he was reluctant to depend upon the ancient institutions of the country, by convoking the Cortes of Lamego, it was absolutely necessary to announce the constitutional changes which he meditated, in such a manner that they should not appear to emanate from the councils of his Brazilian advisers, and that I therefore hoped he would not wait for the meeting of the Chambers in Rio de Janeiro, to publish his decrees; adding, that although the same argument did not apply to the constitution, of which the tendency might be misinterpreted in Brazil, I implored him to bear in mind the possible hesitation of

the people of Portugal to receive a boon, which should be calculated to involve them in disputes with their neighbours, and not to allow the constitution to transpire, before he should be certain that it had been accepted.

His majesty said, that he appreciated the justice of my reasons for preferring the old institutions, of Portugal; but that however much I might admire those institutions, I must admit, that since they were not in every respect suited to the present day, some change must necessarily be introduced, and, this necessity once admitted, the Cortes would become a constituent body, subject to a thousand inconveniences which a charter could alone remove. He then produced his project of a constitution, already completed, to the compilation of which he had devoted the greater part of the week; and the joy with which he spoke of its contents shows, that the promulgation of this act is the principal inducement held out to him by his advisers, for the abdication of the Crown of Portugal.

As it was impossible for me to look through so long a paper at that time, he told me, generally, that it established two Chambers, and that as it upheld the prerogatives of the sovereign, and the power of the nobility, he could not coincide in the fears which I seemed to entertain respecting its possible effect in other countries.

He then proceeded to develop the plans, according to which his own abdication is conditional, and dependent upon the marriage of his daughter by proxy to the Infante Don Miguel, and upon the acceptance of the constitution. The regency is, in the first instance, confirmed, the amnesty published, and as soon as the three estates

shall have taken the oaths to the new constitution; the queen will repair to Lisbon.

After some altercation, his majesty promised to delay the publication of the Portuguese charter until it should have been accepted at Lisbon, whither he stated his wish to send these acts through my hands, as Portuguese plenipotentiary, since he considers them the complement of the treaty which I had signed for the separation of the two countries.

I was somewhat startled by this mark of confidence, which I endeavoured to avoid, by expressing my doubts how far such a course might meet the approbation of my Court. As, however, he persisted in his determination, I replied that his request embarrassed me very much, since I was totally unprepared to take upon myself so heavy a responsibility; for that his imperial majesty might have observed, that in the course of the discussions upon this subject, I had not allowed myself to give an opinion which did not directly refer to the public acts approved by the king's government.

Whatever may be the view taken by his majesty's ministers of the transactions detailed in this despatch, they are by no means committed by my language or my proceedings, under a total want of instructions, and they consequently remain at liberty to follow the course which they may consider expedient.

(Signed) CHARLES STUART.
The Rt. Hon. Geo. Canning, &c.

No. IV.—SIR CHARLES STUART
to Mr. Secretary CANNING.

(Received July 7.)

(Extract)

Rio de Janeiro, May 1, 1826.

The emperor sent for me, before

he received the diplomatic corps this morning, for the purpose of telling me that the acts relative to the settlement of affairs in Portugal having been completed, he considered it a mark of respect to the memory of his father to request the plenipotentiary whom he had chosen to negotiate the separation of the two countries, to perfect the work which had been so successfully commenced during his lifetime; adding, that when he had shown me, in my audience on the preceding day, the several papers which he had drawn up, he had fully opened his mind to me, and reposed in me a degree of confidence of which no other person could boast.

I have the honour to enclose a copy of the full powers which his imperial majesty has been pleased to express his intention to intrust to me, and shall proceed to Lisbon on board the *Diamond* as soon as she can be got ready for sea.

(Signed) CHARLES STUART.
The Rt. Hon. Geo. Canning, &c.

(*Enclosure in No. 4.—Translation.*)

Full powers granted by the EMPEROR of BRAZIL to SIR CHARLES STUART, May 2, 1826.

Honoured marquis of Angra, sir Charles Stuart, my friend,—I the king send you greeting as to one whom I love much. In consideration of your merits, and of the love which on no few occasions you have shown for my royal person and family, I am pleased to authorize you to deliver, in my royal name, to the regency of the kingdom, my royal decrees of the 26th, 27th, 28th, 29th, and 30th of April, and 1st of May, as well as my letters of constitution and law, the one of the 29th of April, and the other of the 2nd of May, all of

this year, which I have intrusted to you, equally authorizing you to do whatever may be necessary for the execution of my royal orders.

Given in the palace of Rio de Janeiro, this 2nd of May, 1826.

(Signed) THE KING.
*The Marquis of Angra,
 Sir Charles Stuart.*

No. V.—Mr. Secretary CANNING
 to Sir CHARLES STUART.

(Extract)

Foreign-office, July 12, 1826.

Colonel Freemantle arrived here on Friday evening, the 7th instant, with your excellency's despatches to the 7th of May inclusive, which have been laid before the king.

Every thing of what your excellency brings from Rio Janeiro to Lisbon will be precisely what the Portuguese government and nation are prepared to expect, except the charter of a constitution.

The opinion, indeed, has long prevailed at Lisbon, that a convocation of the Cortes (in some shape or other) would be necessary for the sanction of a new order of succession to the crown of Portugal.

Whether the substitution of a representative constitution for the more antient form of national assembly, will be received with equal satisfaction in Portugal cannot be confidently pronounced beforehand. But there appears no reason to doubt of the acquiescence of the nation in the dispensation of a sovereign, for the manifestation of whose pleasure they have professed to look with the utmost deference and submission.

Whatever may be, upon the whole, the preferable choice between the respective merits of the two modes of settlement, which were at the emperor's option,—

that by a convocation of the Cortes, or that by a constitutional charter,—it is not to be denied that there is much weight in the remark of his imperial majesty, that the convocation of an assembly which has been so long disused, that its very composition and modes of proceeding might be liable to doubt, would be even more likely to lead to the stirring of difficult questions, and to the excitement of excessive popular claims; more likely, in short, in the emperor's own words, to degenerate into a "constituent assembly," than a new code, defining at once the rights and duties of all ranks and orders of the state, and prescribing the forms of their deliberations, and the limits of their respective powers.

It is not to be denied that the notables of France, in 1789, on the one hand, and the charter of Louis 18th, in 1815, on the other, come, in a remarkable degree, in aid of his imperial majesty's reasoning.

It may be hoped, therefore, that when those Courts which are naturally most adverse to any convocation of national assemblies consider that the avoiding of all such convocation was absolutely impossible, and that the option was merely between two forms of assembly, they will abstain from opposition to that which has been selected; the rejection whereof in Portugal could only lead to a state of things which would revive all the difficulties that have just been overcome, and place the Crown of Portugal, and not the Crown only but the monarchy itself of Brazil, in danger.

In order that we may inculcate with more effect on other governments the duty of abstaining from any interference with the free

agency of Portugal, it is particularly expedient to remove all grounds of jealousy as to the exertion of British influence on so momentous an occasion.

For this reason, while his majesty entirely approves of your excellency's having consented (under the peculiar circumstances of your situation in Brazil) to be the bearer of the emperor's decrees from Rio de Janeiro to Lisbon, I am to signify to you his majesty's pleasure, that so soon as you shall have delivered those several instruments into the proper hands, and shall have rendered account to the Portuguese ministry of the mission with which your excellency was charged from his most faithful majesty's government to the emperor of Brazil, your excellency should take leave of the Infanta Regent, and return home.

(Signed) GEORGE CANNING.
His Excellency Sir Charles Stuart, G.C.B., &c.

No. VI.—Mr. Secretary CANNING
to Sir WILLIAM A'COURT.

(Extract)

Foreign-office, July 12, 1826.

I enclose to your excellency a copy of a despatch which I address, by this occasion, to sir Charles Stuart.

If sir Charles Stuart sailed from Rio de Janeiro, as I understand (from other information) he was likely to do, on the 11th of May, his excellency may have reached Lisbon early in this month, and may, perhaps, have embarked for England even before this packet arrives in the Tagus.

A foolish notion had got abroad in France, that sir Charles Stuart's powers from the emperor of Brazil amounted to the constituting of his excellency a member of the

regency of Portugal. I see nothing in the copy of those powers which I have received from sir Charles Stuart that admits such a construction.

There is nothing in sir Charles Stuart's despatches to countenance the gloss which it has been attempted to put upon sir Charles Stuart's consent to be the bearer of the emperor's decrees to Lisbon; the instruction to sir Charles Stuart to return "so soon as he shall have delivered those instruments into the proper hands, and have rendered to the Portuguese ministry an account of his mission from his most faithful majesty to Brazil," cannot be mistaken.

I do not think it necessary to state to sir Charles Stuart a misapprehension, in which I am confident he does not participate, and which his speedy departure from Lisbon will effectually put down.

Lest, however, the regency or ministry of Portugal should be led into any error upon this subject, which may possibly be the case, and should consult your excellency upon the expediency of requesting sir Charles Stuart to remain at Lisbon, to superintend, either as a member of the government, or as a commissioner of the emperor of Brazil, or in any other character, the execution of his imperial majesty's decrees, or of any of them, I am to instruct your excellency to discourage at once any such proposition, and to decline transmitting it to your court.

The general substance of the instruction to sir Charles Stuart your excellency will consider as addressed equally to yourself, and will make it the guide of your language in communicating with the Portuguese government, and with your diplomatic colleagues.

(Signed) GEORGE CANNING.
His Excellency Sir William
A'Court, G.C.B., &c.

No. VII.—Mr. Secretary CANNING
to Sir WILLIAM A'COURT.

(Extract)

Foreign-office, July 17, 1826.

I transmit to your excellency copies of all the despatches on the affairs of Portugal, which have been addressed to his majesty's ambassadors and ministers abroad, since the date of my last despatch to your excellency.

Your excellency is at liberty to make such communication of them as you may think expedient to count de Porto Santo, who will not fail to observe with what anxious perseverance his majesty's government are labouring, to create in other powers a disposition favourable to the peace and security of Portugal.

* * * *

In submitting these considerations to count de Porto Santo, your excellency will take care not to offer them as the settled opinion or peremptory advice of your government. We are too conscious of the imperfectness of our acquaintance with the prevailing sentiments of the Portuguese nation, and of the inability of any foreign government to enter fully into national feelings, prejudices, or prepossessions, to presume to offer counsel to the Portuguese ministry, in any other sense, or with any other view, than that of laying before them the elements of a decision which it is for them, and them only, to form.

It appears to us, upon the whole, that the best chance of a safe tranquil issue to the present extraordinary crisis in Portugal, will be to

be found in an acceptance (as immediate as may be suitable with the importance of the measure) of the charter of Don Pedro, coupled (as it is) with his abdication of the throne. Any other course must, as it appears to us, be full of danger; but if, nevertheless, another course shall be pursued, we shall not be the less anxious for its peaceable and happy issue, than if it were one which we had ourselves advised.

(Signed) GEORGE CANNING.
His Excellency Sir William
A'Court, G.C.B., &c.

No. VIII.—Mr. Secretary CANNING to Sir Wm. A'Court.

Foreign-office, July 19, 1826.

Sir,—In my despatch of the 17th instant, as well as in all the despatches upon the same subject, which have been addressed to his majesty's ambassadors and ministers, copies of which I have enclosed to your excellency, your excellency will observe that I have cautiously abstained from entering, in the smallest degree, into the merits of the constitutional charter which Don Pedro has devised for Portugal. It is not for his majesty's government to analyse a project, framed by a friendly sovereign for the government of his dominions, nor to express any other sentiment respecting it, than the wish and the hope that if carried into effect in Portugal it may conduce to the stability of the monarchy, to the prosperity of the state, and to the happiness and rational liberty of the people.

There are, however, two points in this constitutional charter (I am not, upon such examination as I have yet been able to give it, aware of more) to which I am compelled to call your excellency's

attention, and to direct you to invite that of the Portuguese ministry, because they trench directly upon the rights of this country under treaty.

With any internal changes in a foreign state affecting only the municipal laws of that state and the interests of its subjects, no foreign government has any pretension to meddle. But treaty is a law which binds state to state, and of which no internal changes in one state can justify the violation, to the detriment of another.

By one article of the proposed constitution, the liberty of religious worship is restrained far within the limits to which the British nation is entitled to enjoy it, and does enjoy it, in Portugal. It is ordained that no external appearance of a church shall be allowed to any other than the established religion of the country.

I need not inform your excellency that his majesty's subjects resident at Lisbon have a church, which by no means corresponds with this limitation; and I am to direct your excellency to lose no time in protesting, in the strongest terms, against any deterioration of this their rightful privilege.

The other point to which I particularly refer is the abolition of private jurisdictions, which may be construed to involve in Portugal, as it has been construed to involve in Brazil, the extinction of the jurisdiction of the judge conservator.

In Brazil we could found our remonstrance against this extinction of our privilege only upon the treaty of 1810, which was on the point of expiring. But in Portugal, we hold that privilege by treaties of ancient date and perpetual obligation, and your excellency must protest against any

attempt to abolish it by inference from any change in the internal government of Portugal.

I am, &c.

(Signed) GEORGE CANNING.
His Excellency Sir William A'Court, G.C.B., &c.

No. IX.—Mr. Secretary CANNING to Sir WILLIAM A'Court.

(Extract)

Foreign-office, July 22, 1826.

It is the anxious wish of his majesty's government that nothing may have been done by sir Charles Stuart, whether under the commission of the emperor Don Pedro or at the solicitation of the Portuguese authorities, which can be liable, either in Portugal, or throughout Europe, to be misconstrued as an authoritative interference in the internal concerns of Portugal. Should any thing of that sort unluckily have occurred, his majesty's government relies confidently on your excellency for doing away the impression which it would be calculated to create by a discreet use of the explanations and declarations contained in my despatches to your excellency, and in those of which I have transmitted copies for your information.

(Signed) GEORGE CANNING.
His Excellency Sir William A'Court, G.C.B., &c.

No. X.—Mr. Secretary CANNING to Sir CHARLES STUART.

(Extract)

Foreign-office, July 22, 1826.

My reason for sending off this despatch by an extra packet is to obviate any doubt which might possibly arise in your excellency's mind as to the execution of the instructions contained in my despatch of the 12th inst.

I write to your excellency for the express purpose of repeating his majesty's pleasure that you return home forthwith, after delivering into the hands of the regency the decrees of the emperor Don Pedro, and into the hands of M. de Porto Santo, or, in case of M. de Porto Santo's resignation, into those of his successor, or, in default of a new appointment, into sir William A'Court's hands, to be delivered by him to the proper minister, at a proper time, the papers relative to the commercial negotiation between Portugal and Brazil, in whatever state that negotiation may be.

It is the desire and determination of his majesty's government to avoid, as far as possible, the appearance of any direct interference of British agency in the establishment of the new order of things in Portugal.

It is therefore his majesty's positive command that your excellency should not protract your stay at Lisbon on any account whatever, nor allow any suggestions or solicitations from any quarter to induce you to delay your return home.

(Signed) GEORGE CANNING.
His Excellency Sir Charles Stuart, G.C.B., &c.

No. XI.—SIR CHARLES STUART
to Mr. Secretary CANNING.

(Received July 22.)

Rio de Janeiro, May 9, 1826.

Sir,—I have this moment received from the minister of foreign affairs the accompanying note, to which I should have thought it unnecessary to call your attention, if, upon comparing it with the one sent home by his majesty's chargé d'affaires, I had not observed a material difference between the two

copies, inasmuch as the note addressed to me expresses the happiness which his imperial majesty will derive from the support, in addition to the approbation, of his Britannic majesty, of the measures lately adopted by the court of Brazil for the welfare of the people of Portugal.

Mr. Chamberlain having acknowledged the receipt of the note transmitted to himself, I have not thought it expedient, upon this occasion, to return any answer to the viscount de Inhambupe. I have the honour to be, &c.

(Signed) CHARLES STUART.
The Rt. Hon. Geo. Canning, &c.

(*Enclosure in No. 11.—Translation.*)

The VISCONDE DE INHAMBUPE to
SIR CHARLES STUART.

*Palace of Rio de Janeiro,
May 8, 1826.*

Sir,—His majesty the emperor being called upon, definitively, to determine upon the course which it may be most advisable to pursue with respect to the question of the succession to the Crown of Portugal, which has devolved upon him by the death of his august father, the king of Portugal and of the Algarves, and deeming his own retention of the sovereignty of Portugal, the Algarves, and their dominions, to be incompatible with the interests of the empire of Brazil, as well as of those kingdoms, has been pleased, with a view to promote the welfare thereof, to abdicate and cede the indisputable and inalienable rights which he has to the Crown of the Portuguese monarchy, and to the sovereignty of the said kingdoms, to the person of his most cherished, esteemed, and well-beloved daughter, the lady princess of the Great Pará,

Donna Maria da Gloria, that she may, as reigning queen thereof, govern them independent of this empire, and according to the constitution which his imperial majesty was pleased to give, decree, and command to be sworn to, by his letter of law of the 29th of April of this year. And his imperial majesty has, moreover, been pleased to declare, that his august daughter, the reigning queen of Portugal, shall not leave the empire of Brazil until it shall have been officially reported to him that the constitution has been sworn to, according to his orders, and that the espousals of the marriage, which it is the intention of the same lord should take place between her and his much-beloved and esteemed brother, the most serene Infante Don Miguel, shall have been actually celebrated; the said abdication and cession to be null and void in default of the fulfilment of either of these two conditions.

His imperial majesty the emperor has been also pleased, as king of Portugal, to grant, by his royal decree of the 27th of April, an amnesty to all Portuguese who may be in confinement under prosecution, in exile, or sued for political opinions; and he has been further pleased, by his decree of the preceding day, to confirm and to continue the regency established by his august father, until the moment of the installation of the regency decreed by the constitutional charter of the Portuguese monarchy.

This I have the honour to communicate, for the information of your excellency and of your government, requesting you to be persuaded that the emperor, my august master, will be most happy, if these arrangements should meet with the approbation and support

of his Britannic majesty, who has given so many proofs of the interest which he takes in the glory and prosperity of the august House of Braganza.

The undersigned, &c.

(Signed)

Visconde DE INHAMBUPH.

His Excellency Sir Charles Stuart, G.C.B., &c.

No. XII.—SIR CHARLES STUART
to Mr. Secretary CANNING.

(Received August 9.)

(Extract)

Lisbon, July 15, 1826.

I arrived here on the 7th instant, and proceeded immediately to Caldas, where I found the Portuguese regency established.

Upon delivering to her royal highness the Infanta the several public acts which had been intrusted to my care by her brother, the emperor, I told her that, as Portuguese plenipotentiary, I could not refuse to take charge of papers completing the separation of the two countries, for which purpose I had left Europe; but that since they also regulated the internal government of Portugal, I must wait until I learnt the sentiments of my government, before I could express an opinion upon that part of their contents.

In the course of several interviews, to which I was admitted during my stay at Caldas, her royal highness was pleased to observe, that nothing could be more natural than my desire not to commit my government, by any participation in measures upon which they had not explained their views, but that I was so well acquainted with the affairs of Portugal, that this consideration would induce her not to withhold her confidence upon any

subject connected with the execution of the emperor's orders. She therefore began to state to me, in great detail, the unhappy position in which she was placed, and the embarrassments to which she was exposed, by the divisions among the regency and the ministry, respecting the adoption of a constitutional form of government.

Her royal highness added, that she would return immediately to Lisbon, where she should take care that his imperial majesty's orders, which she was certain would be enthusiastically received by the whole nation, should be carried into effect.

I told her royal highness that it appeared, from what I had been enabled to find out during the few hours I was in Lisbon, that the alleged illegality of the different acts received from Rio de Janeiro was the ground upon which her opponents were determined to make their stand; that I could therefore only recommend her to meet this charge, by concerting a legal mode of putting them into execution, the moment that the government should return to the capital, which we agreed should not be delayed beyond the following day.

The public mind was, in the mean time, greatly agitated by imperfect versions of what had passed, and the intrigues of the various factions were rendered evident, by the hope of the revival of the Constitution of 1820 on the one side, and by successive attempts to corrupt the troops on the other; while the efforts of the Infanta for the maintenance of order were paralysed by the hesitation of her colleagues to adopt the measures which she recommended, and by the determination of the principal ministers to choose that moment for tendering their resignation.

Under these circumstances, the Infanta has determined to strengthen herself, by filling up the situation of every minister who gives in his resignation in writing, and she will ensure the tranquillity of the town, by the nomination of a new commandant of the province, and by the arrest of those persons who were active in exciting the late movement of the troops.

Her royal highness has also written to the Infante Don Miguel, urging him to take no step until he should have received the letter addressed to him by the emperor; and she will wait until the charter shall have been legally carried into effect, and the necessary unity of action established, which shall place in her hands the power of choosing her own advisers.

I have confined my language to the tenor of the above-mentioned proclamation, which has already produced a very beneficial effect, by checking the exultation of the Liberals, and conciliating the will of the moderate Royalists; and the favourable change which is rapidly taking place in the public opinion, leaves little doubt upon my mind, that the principal opponents of the new system will be found in the ranks of the former party.

(Signed) CHARLES STUART.
The Rt. Hon. Geo. Canning, &c.

(*Enclosure in No. 12.—Translation*)

PROCLAMATION of the INFANTA REGENT OF PORTUGAL.

July 12th, 1826,

PORTUGUESE !—The regency of the kingdom is about to relieve you from anxiety, and to fix your attention upon decrees, which interest you generally, and his most faithful majesty Don Pedro IV., has

deigned to issue from his court at Rio Janeiro. With these decrees will be also published the Constitutional Charter of the Portuguese Monarchy, which the same sovereign has deigned to decree, and which, according to his intentions, must be sworn to by the three orders of the state, in order that it may govern the kingdom of Portugal and its dependencies. In the mean time, the regency informs you, that this charter differs essentially from the Constitution produced by infatuation in 1822, and which contained principles incompatible with each other, and condemned by experience. The character of the Constitutional Charter which his most faithful majesty gives you is quite another thing. It is not a forced concession; it is a voluntary and spontaneous gift of the legitimate power of his majesty, and matured by his profound and royal wisdom. This charter tends to terminate the contest between the two extreme principles which have agitated the universe. It summons all Portuguese to reconciliation, by the same means which have served to reconcile other people; by it are maintained, in all their vigour, the religion of our fathers, decorum, and the rights and dignity of the monarchy; all the orders of the state are respected, and all are alike interested in uniting their efforts to surround and strengthen the throne, to contribute to the common good, and to secure the preservation and amelioration of the country to which they owe their existence, and of the society of which they form a part; the antient institutions are adapted and accommodated to our age, as far as the lapse of seven centuries will permit; and finally, this charter

has prototypes among other nations who are esteemed among the most civilized and the most happy. It is our duty to await tranquilly the execution of this charter, and of the preparatory acts which it prescribes. If any among you should, by words or actions, aggravate resentments, excite hatred, or inspire vengeance, and interpose between the provisions of the law and its execution, he will be considered as a disturber of public order, and as an enemy of the sovereign and of his country; and he will be punished with the utmost rigour of the law. The regency flatters itself that the Portuguese people, both from the national character and for their common interest, will recognise, on this occasion, both what is their most important duty, and the way in which they may become principally useful.

Given at the Palace of Ajuda, this 12th of July, 1826.

(Signed) THE INFANTA,
(Countersigned) JOSE JOAQUIM
D'ALMEIDA E ARAUJO COR-
REA DE LA CERDA.

No. XIII.—Sir WILLIAM A'COURT
to Mr. Secretary CANNING.

(Received August 7.)
(Extract.)

Lisbon, July 29, 1826.

Your important despatch of the 17th instant, with its several enclosures, reached me on Wednesday last.

I made known without loss of time to her royal highness the Infanta the great interest displayed in favour of this country by his majesty's government, and your active endeavours to give a right direction to the policy of Europe upon the present occasion.

The execution of the emperor's orders is gradually proceeding, and perhaps as rapidly as could be expected, considering the efforts made to retard it. The swearing to the Constitution commences on Monday next.

(Signed) WILLIAM A'COURT.
The Rt. Hon. Geo. Canning, &c.

No. XIV.—Sir WILLIAM A'COURT
to Mr. Secretary CANNING.

(Received August 19.)

(Extract.)

Lisbon Aug. 4, 1826.

Your despatch, forwarded by the extra packet, reached me about an hour after the *Lyra* had sailed with my last letters.

In obedience to your instructions, Sir Charles Stuart is making his preparations for departure, and will sail the beginning of next week.

It is impossible to say that there has been no interference on his part in the affairs of this country. There has been interference—a very direct and active interference;

but in no other character than in that which he possesses of Portuguese Plenipotentiary. This distinction has always been most carefully marked on his side, and it has received additional force from the line which I myself adopted. The difference in the parts which we were called upon to play has never been mistaken, either by this government or by my colleagues; and you may be assured, Sir, whatever may be said of the Portuguese Plenipotentiary, the British Ambassador is responsible for nothing. I think, indeed, I may safely assert, that the British government has never been committed either by Sir Charles Stuart or myself.

I shall, nevertheless, bear in mind the concluding paragraph of your letter, and by a discreet use of the explanations and declarations contained in your several despatches, endeavour to do away with every impression of the sort, should I find any such entertained.

(Signed) WILLIAM A'COURT.
The Rt. Hon. Geo. Canning, &c.

COMMUNICATIONS and DOCUMENTS relative to the Assumption of
the REGENCY of PORTUGAL by DON MIGUEL.

No. XV.—Sir HENRY WELLESLEY
to the EARL of DUDLEY.

(Received November 14.)

(Extract)

Vienna, Nov. 5, 1827.

I have the honour to forward to your lordship a copy of a note which I have received from Prince Metternich, forwarding to me copies (which are likewise enclosed) of the protocols of the conferences which

have been held here relative to the affairs of Portugal.

(Signed) H. WELLESLEY.
*The right Hon. the Earl
of Dudley, &c,*

(Translations of Enclosures in No. 15.)

PRINCE METTERNICH to Sir
HENRY WELLESLEY.

Vienna, Oct. 29, 1827.

Prince Metternich has the honour

to transmit herewith to his excellency the British ambassador, certified copies of the protocols of the three conferences respecting the affairs of Portugal, to which his excellency did him the honour to attend at his house on the 18th, 20th, and 23rd of October, and he avails himself, &c.

His excellency the British Ambassador.

(*Sub-Enclosure A in No. 15.*)

PROTOCOL.

Vienna, Oct. 18, 1827.

PRESENT.

On the part of Austria—M. le Prince de Metternich; M. le Comte de Lebzeltern; M. le Chevalier de Neumann; M. le Comte Henri de Bombelles.

On the part of England—the British Ambassador.

On the part of his royal highness the Infant Don Miguel—M. le Baron de Villa-Secca, M. le Comte de Villa-Real.

Prince Metternich having invited the British ambassador and the Portuguese plenipotentiaries to meet at his house on the 18th of October, and those gentlemen having repaired there upon his invitation, he proposed that they should record, in an official protocol, the result of the confidential negotiations which had taken place between MM. de Villa-Secca and Villa-Real, since the time of his return to Vienna, relative to the departure of the infant, that prince's voyage, and the line of conduct he intended to pursue upon his arrival at Lisbon; and the British ambassador, as well as the Portuguese plenipotentiaries, having agreed to this proposition, it was decided that they should annex to the protocol of the present conference the following documents, namely—1. A copy of the

note of the Marquis de Rezende to prince Metternich, dated 19th of September, 1827, which should serve as a commencement to the present negotiation. In this note the Brazilian envoy announces officially to the cabinet of Vienna, that the emperor Don Pedro, his master, by a decree dated the 3rd of July, "has conferred on his royal highness the Infant Don Miguel, with the title of his lieutenant in Portugal, the regency of the said kingdom, agreeably to the laws existing in that state, and in conformity with the institutions given by the emperor, his august brother, to the Portuguese monarchy."

2. A translation of the above-mentioned decree of the 3rd of July, of the emperor Don Pedro to his royal highness Don Miguel.

3. A translation of the letter from that sovereign to the Infant, his brother, which accompanied the same.

4. A translation of the letter from the emperor Don Pedro to the king of England.

5. A translation of the letter from the emperor Don Pedro to his majesty the emperor of Austria.

6. A copy of the despatch which prince Metternich has this day addressed to prince Esterhazy, at London, directing his excellency to acquaint the British government of the determination to which the Infant has come, to send Portuguese ships forthwith to England, whither he himself will repair directly, for the purpose of embarking as quickly as possible for Portugal. This despatch, which contains an historical and faithful account of the whole negotiation relative to the present and future situation of the Infant, as well as the last determinations to which that prince had come, had been read at a confidential meeting

which took place on the evening of the 16th of October, at prince Metternich's, and at which were present the British ambassador and the Portuguese plenipotentiaries. It was not until after having obtained their entire concurrence, that this despatch was this day sent to London. The Portuguese plenipotentiaries announced to the conference, that the Infant had likewise made them acquainted with his final determination relative to his voyage; that his royal highness had ordered them to prepare letters which he wished to communicate in consequence, without delay, to the emperor his brother, to his majesty the king of England, and to the Infanta, his sister; that he had likewise ordered them to draw up the letter to the Infanta, in such manner that it might be made public, and that it should at the same time leave no doubt of the firm desire of that prince, in accepting the Lieutenancy of the kingdom, which the emperor his brother had just confided to him, to maintain religiously its institutions, to bury what had passed in entire oblivion, but to restrain, at the same time, with energy and firmness, the spirit of party and of faction, which has too long agitated Portugal.

All the members of the conference could not but render unanimously the most entire justice to such laudable intentions on the part of the Infant; prince Metternich on his part added, that immediately after the Infant's letters should be written and signed, he had offered to send them speedily to England by M. de Neumann, who only awaited their completion, to depart, and to transmit duplicates to Portugal by a courier, whom he intended to send forthwith by Madrid to Lisbon. The Portuguese pleni-

potentiaries having accepted these offers, prince Metternich thought it proper still further to observe on this occasion, that, above all, the Infant ought undoubtedly to affirm, in the letters which he intends to write to the king of England, and to the Infanta his sister, the title of lieutenant of the kingdom, since it is under that title that the emperor intrusts to him the regency; and that it appeared to him proper, and even necessary, that the Infant should take, together with the title of lieutenant, that of regent of the kingdom, since, being called by the decree of the emperor Don Pedro, of the 3rd of July, to succeed to the Infanta, his sister, in the office of the regency, it would be equally contrary to his personal dignity, to that of the Portuguese nation, and to the pleasure of the emperor Don Pedro, that he should take any title inferior to that which the Infanta had borne; that there could not, moreover, exist any doubt of the intentions of that sovereign in that respect; that they were clearly demonstrated by the tenor of the note of the marquis de Rezende of the 19th of September, by that of the instructions with which that envoy was furnished, and lastly, by that of the letter from the emperor Don Pedro to the king of England; since, in these different documents, it is explicitly or implicitly said, that that sovereign confers the regency upon the Infant. Moreover, there is no doubt, that the decree of the emperor Don Pedro, to the Infant, his brother, dated the 3rd of July, was addressed "To the Infant, Don Miguel, Regent of the kingdom of Portugal."

The British ambassador observed, that having been already informed, for several weeks past, of the opinion of the cabinet of Vi-

enna in this respect, he had already made his government acquainted with it; that, in fact, he had not yet received any answer upon this subject, but that he flattered himself that it would be in conformity with the opinion of the Austrian cabinet. With respect to the Portuguese plenipotentiaries, they declared themselves in favour of that which prince Metternich had just expressed, and they undertook to inform the Infant of it, observing that, for the interest of Portugal, it was undoubtedly desirable that the Infant should not scruple to take, in conformity with the intentions of the emperor Don Pedro, his brother, the title of regent of the kingdom. MM. de Villa Secca and Villa Real added, that they had received the order of the Infant to declare, that, filled with gratitude for the paternal kindness which his majesty the emperor of Austria has constantly shown to him since his first arrival at Vienna, and still more particularly on this last occasion, his highness would consider it his duty to express personally to his imperial majesty the deep and respectful gratitude which he feels, and that he relied upon his sentiments being made known to him by means of the conference.

Prince Metternich undertook with eagerness, in the mean time, to become the channel of his royal highness's sentiments to the emperor, his august master, adding, that his imperial majesty would receive the expression of them with the most sincere satisfaction.

(Signed)

METTERNICH.

LEBZELTERN.

NEUMANN.

H. DE BOMBELLES.

H. WELLESLEY.

CONDE DE VILLA REAL.

BARAO DE VILLA SECCA.

(*Annex 1 to Sub-Enclosure A in No. 15.*)

THE MARQUIS DE REZENDE to
PRINCE METTERNICH.

Vienna, Sept. 19, 1827.

The undersigned, envoy extraordinary and minister plenipotentiary of his majesty the emperor of Brazil, is authorized, by a special order of his august master, to address himself to prince Metternich, chancelier de Cour et d'Etat of his imperial and royal apostolic majesty, to notify to his highness the royal resolution of July the 3rd, of this year, by which his most faithful majesty has conferred upon his royal highness the Infant Don Miguel, with the title of his lieutenant in Portugal, the regency of the said kingdom, agreeably to the laws existing in that state, and in conformity with the institutions granted by his august brother to the Portuguese monarchy.

The undersigned does not doubt that his imperial and royal apostolic majesty, and his government, will hasten to acknowledge this act of his most faithful majesty, and to afford his able co-operation, in order that it may receive, by the immediate departure of the Infant Don Miguel for Portugal, its entire and full execution.

The undersigned, &c.

(Signed) REZENDE.

His highness Prince Metternich.

(*Annex 2 to Sub-Enclosure A in No. 15.*)

DECREE OF HIS MAJESTY THE
EMPEROR DON PEDRO to HIS
ROYAL HIGHNESS THE INFANT
DON MIGUEL.

July 3, 1827.

Urged by motives worthy of my royal consideration, and considering that the safety of the state ought

to be the supreme law for every sovereign who has at heart the welfare and the happiness of his subjects; and, moreover, having in view the good qualities, the activity, and the firmness of character, which distinguish my very dear and beloved brother, the Infant Don Miguel; I name him my lieutenant, bestowing upon him all the powers which, as king of Portugal and the Algarves, belong to me, and which are marked out in the Constitutional Charter, in order that he may govern and rule over the same kingdoms in conformity with the dispositions of the above-mentioned charter. The Infant Don Miguel, my very dear and beloved brother, will thus execute it.

Given at the Palace of Rio de Janeiro, the 3rd of July, 1827.

(Signed)

R.

His Royal Highness the Infant Don Miguel.

(*Annex 3 to Sub-Enclosure A in No. 15.*)

HIS MAJESTY THE EMPEROR DON PEDRO to HIS ROYAL HIGHNESS THE INFANT DON MIGUEL.

Rio de Janeiro, July 3, 1827.

My dear brother,—I have the satisfaction to announce to you, that, taking into consideration your discreet conduct, and your known loyalty, I have just named you my lieutenant in the kingdom of Portugal, in order that you may govern it in my name, and according to the constitution that I have granted to the said kingdom. I expect, my dear brother, that you will look upon this resolution as the greatest proof I can give you of my confidence, and of the love I bear you.

(Signed)

PEDRO.

His Royal Highness the Infant Don Miguel.

(*Annex 4 to Sub-Enclosure A in No. 15.*)

HIS MAJESTY THE EMPEROR DON PEDRO to HIS BRITANNIC MAJESTY.

Rio de Janeiro, July 3, 1827.

Sir, my brother, and cousin,—The necessity of re-establishing order in Portugal, and of consolidating the constitutional system which has there been sworn to, obliges me, as lawful king of the country, to order, under this day's date, the Infant Don Miguel, my brother and my son-in-law, to go and govern that kingdom in my name, in the capacity of my lieutenant; and in the confidence I place in the unalterable friendship which exists between us, I implore your majesty to aid me, on your part, not only to enable the regency to enter quickly upon its functions, but also to ensure that the constitutional charter granted by me, and sworn to in that country, may become the fundamental law of the kingdom. I avail myself, &c.

(Signed)

PEDRO.

His Majesty the King of Great Britain.

(*Annex 5 to Sub-Enclosure A in No. 15.*)

HIS MAJESTY THE EMPEROR DON PEDRO to HIS IMPERIAL AND ROYAL APOSTOLIC MAJESTY.

Rio de Janeiro, July 3, 1827.

My very dear father-in-law and friend,—the recent and unexpected events in Portugal, and the firm, constant, and upright conduct which my brother the Infant Don Miguel has manifested whilst near your imperial and royal apostolic majesty, have induced me to direct his departure for Portugal, in order that he may govern that kingdom in my name, and in the capacity of

my lieutenant. Convinced also as I am that this measure will receive the approbation of your majesty, I beg your majesty to assist me, as much as may be in your power, in advising him both to execute this order, and to govern that kingdom in conformity with the constitutional charter which I have given to it, and which has been sworn to by his royal highness, and by the whole of my Portuguese subjects.

In asking this assistance of your majesty, I consider myself happy, &c.

(Signed) PEDRO.

*His Imperial and Royal
Apostolic Majesty.*

*(Annex 6 to Sub-Enclosure A in
No. 15.)*

PRINCE METTERNICH to HIS
HIGHNESS PRINCE ESTERHAZY.

Vienna, Oct. 18, 1827.

By my despatch of the 8th of October I had the honour to inform you of the arrival of the count de Villa Real, of the favourable dispositions which he manifested, and of the entire assent which that ambassador has given to our preparatory steps, on all the questions relative to the present and future position of the Infant Don Miguel. M. de Villa Real having also found that our proceedings had been conformable to the principles and wishes of the British government, my first care was to arrange with him, and with the baron de Villa Secca, on the course to be followed in order to engage the Infant to let us know, as soon as possible, his intentions, relative to his departure, to his voyage, and to the line of conduct which he intended to adopt on his arrival in Portugal. I thought it my duty to propose, in consequence, to these two gentlemen, to consider, in the first instance, the note en-

closed in copy, which has been addressed to me by the marquis de Rezende, Brazilian envoy at the court of Vienna, notifying to me the determinations taken by the emperor, his master, on the 3rd of July last, with regard to the Infant Don Miguel, his brother, and to demand at the same time the effectual co-operation of Austria, in order to engage the Infant to submit with entire deference to the orders of the emperor Don Pedro, and to hasten his departure for Portugal, in order that the decree of the 3rd of July may receive, as soon as possible, its full and entire execution. We agreed afterwards that I should take upon myself to open the matter with the Infant, that I should invite his royal highness, conformably to the wishes of the emperor his brother, to make us acquainted with his intentions relative to his departure, and to name, without delay, MM. de Villa Secca and Villa Real to conduct and conclude in his name, with the cabinet of Vienna, all the arrangements relating to it. We at length agreed that we should meet every day to make each other mutually and confidentially acquainted with the result of our proceedings, to consider of such others as circumstances might require, and that we should keep a journal of our meetings, to which we should abstain from giving the official character of protocols of conferences, both for the sake of the Infant himself, and in order to leave to his royal highness the liberty of expressing more freely his opinions and wishes.

This course having been agreed upon, I went, on the 6th of this month, to the Infant, to represent to him how desirable it was, that he should let us know, as soon as possible, his intentions relative to his

journey. I had the honour to observe to him, that, in order to regulate and arrange definitively every thing relative to his departure, it was desirable that he should instruct the persons whom he should judge the most worthy of his confidence, to come to an understanding upon this subject with me; that the baron de Villa Secca and count Villa Real, who were both of them entitled thereto by their fidelity and devotion to his person, appeared to me the most deserving of his preference; that if he consented to appoint those two gentlemen to treat with me, his departure should be the first object with which we should occupy ourselves; that it became every day more urgent to fix the period of it; that it was not the less so to know the route which his royal highness would desire to take in going to Portugal, in order to make the necessary preparations; but that I could not conceal from him that, whatever determination he might feel himself called upon to form, the emperor, nevertheless, could not in any case consent to his passing through Spain; considering that, besides the great inconvenience which, under present circumstances, should deter him from it, he could not permit himself so to do without acting contrary to the wishes of the emperor Don Pedro, his brother, and against the unanimous opinion of all the powers of Europe. The Infant, without making any objection to the propositions and observations which I had submitted to him, confined himself to replying to me, that he would immediately name count de Villa Real and the baron de Villa Secca to come to an understanding, and to concert with me upon the different points upon which I had been speaking to him. He gave

his orders on the same day to those two gentlemen, whom I hastened on my part to meet, for the end which we had proposed. The result of our first meetings, which naturally had for their principal object that of fixing the period of the Infant's departure, and determining the course which he ought to take in order to proceed, as quickly as possible, to Portugal, soon enabled us to perceive, and to be convinced, that if the Infant had at first entertained the idea of passing through Spain to return to Portugal, the knowledge that the emperor Don Pedro, his brother, and his majesty the emperor, our august master, were opposed to that plan, had been sufficient to induce him to renounce it. I owe his royal highness, besides, the justice to state, that, in conversing with his attendants, respecting his desire to take by preference the route of Spain, as the shortest and the most expeditious, he did not hesitate to give, at the same time, the most positive assurances of his firm determination not to allow any Portuguese refugee to approach his person. But if we were soon satisfied with this first plan of the Infant, we perceived, on the other hand, that the mind of the prince was strongly pre-occupied with two ideas, which had all the weight of two positive determinations:—viz. that of embarking in no other than a Portuguese vessel, and of not landing between Austria and Portugal. As soon as I was assured of this fact, I hastened to make it known to the emperor, our august master, and I received his majesty's orders to engage M. de Villa Real and M. de Villa Secca to represent, in his name, to the Infant, that he had been informed of the desire he had expressed of going to Lisbon in a Portuguese vessel,

and that if this project were feasible, the emperor would not oppose it; but that he was too sincerely interested in the Infant, not to feel it his duty to point out to him the impossibility of so doing, seeing the immense and irreparable loss of time which would be sustained by it; that before two Portuguese men of war could be armed at Lisbon and arrive at Leghorn to receive the Infant, near three months would elapse, to which at least another month must be added for the passage from Leghorn to Lisbon, which at this season is uncertain and long; that consequently the Infant could not arrive at his destination in less than four or five months; that so great a delay, by prolonging uncertainty in Portugal, would infallibly endanger the tranquillity of that kingdom, and perhaps even the political existence of his royal highness, who could not postpone, without injury, his arrival at Lisbon, every day's delay rendering his first appearance there more difficult, and even more dangerous; that it was necessary, therefore, above all, to consider the means of arriving there with the least possible delay; that he could embark either in one of the ports of the Mediterranean, or in one of the ports of the North Sea; that, on the part of Austria, no opposition would be made to his desire to embark from Italy, if it were possible to furnish him with the means of doing so, but that these means did not exist, and that some weeks would be necessary to prepare them, which would incur a delay almost as long as that to which the Infant must submit, in case he should decide to order Portuguese vessels to come to Leghorn; that as any delay in his journey might cause the greatest inconvenience, and as the emperor felt himself

called upon, by the real friendship which he entertains for the prince, not to permit him to compromise, gratuitously, what regarded his personal interests, as well as the internal tranquillity of the kingdom, of which his august brother has just conferred upon him the regency, his majesty could not refrain from conscientiously offering him his advice, not to hesitate an instant to embark from one of the ports of England or of the Netherlands; that the Infant must necessarily choose between those two countries, as the nearest route to his destination, taking into consideration that if he passed through France and England, he could not avoid stopping at Paris and at London, to present his respects to his most Christian majesty, and to his Britannic majesty; that, on the other hand, by embarking in one of the ports of the Netherlands, he could, it was true, go direct to Lisbon, and arrive there more quickly, but that he would lose a favourable occasion of seeing the king of England, of gaining his good wishes, and of claiming in person that support which the emperor Don Pedro, his brother, had recently solicited for his royal highness, in the letter addressed to his Britannic majesty on the 3rd of July.

The Portuguese plenipotentiaries having taken upon themselves to bring to the knowledge of the Infant this paternal advice, which his majesty the emperor, our august master, thought it his duty to give him, in a matter of such importance to him hereafter, it was on the evening of the 9th of October that they acquitted themselves of this commission. The Infant heard them with the most serious attention, but did not hesitate to declare to them, that the considerations which they

had just submitted to him had no effect upon his determination; that he was firmly resolved not to embark in any but a Portuguese vessel, for the purpose of going direct to Lisbon; and that as to the delay which would result from this, there was no reason to fear that it would affect the interior tranquillity of Portugal; for that he would write, and would answer for it that tranquillity should not be interrupted. This declaration of the Infant rendering all further deliberation useless, I declared on my part to the Portuguese plenipotentiaries, that I would immediately bring the matter to the knowledge of the emperor. His majesty then determined to speak himself to the Infant, and had accordingly rather a long conversation with that prince on the 12th of October, in which his majesty recapitulated all the arguments and all the motives which had been brought forward in his name to the Infant, two days before, by the Portuguese plenipotentiaries, in order to make him sensible of the serious inconvenience, and even dangers, to which he would expose himself, if he persisted in his refusal to embark, except in one of the Austrian ports, and in a Portuguese vessel, in consequence of the delay of several months, to which his departure, and consequently his arrival in Lisbon, would in that case necessarily be subjected. The emperor represented forcibly to the Infant, that a sovereign, and still more a regent, who was called upon to take the reins of government, could not use too great despatch in arriving among his people; that he ought, consequently, to choose the most direct and expeditious route; and that if he persisted in his refusal, he would expose himself to the suspicion of a want of zeal in that respect, and of

a wish to prolong his residence at Vienna for his own pleasure. The Infant having, notwithstanding these wise observations, persisted in his resistance, the emperor asked him if he had by chance any dislike to embark on board an English vessel. The Infant replied, that he had no dislike to England; that he knew that that power was on the best terms with the emperor his brother; and that it was besides the natural ally of Portugal; that he desired sincerely to be on good terms with it (and he repeatedly used this last phrase in his conversation with the emperor); but that he was of opinion, that in giving his consent to embark on board a foreign ship, he should outrage the national opinion, and wound, in a sensible degree, the national feeling; that it was for this reason that he had decided not to embark on board any but a Portuguese ship, in order to proceed directly to Lisbon, without placing his foot upon any foreign land. The Infant added, of his own accord, that he was also determined to maintain in Portugal the charter to which he had sworn; that his majesty might rely upon this point without uneasiness; and, finally, that he entreated him to believe that his heart was filled with gratitude for the kindness which he had heaped upon him. The emperor seeing that the Infant was for the moment fully determined not to yield, his majesty engaged him seriously to reflect further upon the conversation which he had just had with him, and for the present not to come to any final decision upon a question of so much importance, and so deeply affecting his future welfare. The emperor desired me, at the same time, to ascertain, myself, whether the Infant, after having more maturely reflected upon his

position, would not perhaps feel the necessity of yielding to the counsels of wisdom and reason.

Seeing ourselves thus arrested in our progress by the unexpected resistance we had met with from this young prince, I determined at once, confidentially, and in the fullest detail, to make the British ambassador (whom I had previously informed of the object and end of my confidential conferences with the Portuguese plenipotentiaries) acquainted with all that had passed between them and me, and between his majesty and the Infant. I afterwards invited sir Henry Wellesley to meet those gentlemen and me, to take together into consideration the means which we could yet adopt, in order to overcome the resistance of the Infant, and, in the event of our not succeeding, to concert such measures as, with the consent of his government, from which we were quite determined not to separate ourselves in this affair, it might be necessary to adopt without delay, in order not to prolong such a dangerous state of things in Portugal. All opinions having concurred upon the serious inconvenience to which the Infant would expose himself, by persisting in his refusal to go by England, and at the same time upon the advantage which would be derived from my having, upon this subject, a last and categorical explanation with his royal highness, it was settled that it should take place that day at two o'clock. As I was unwell, the Infant was graciously pleased to come, at my invitation, to my house. I asked him permission to admit, as a third person, the comte de Bombelles, formerly attached to his person in the capacity of chamberlain, who was honoured with his favour, and

was besides destined to accompany his royal highness to Lisbon, there to take upon himself the character of minister plenipotentiary and envoy extraordinary from his majesty the emperor. The Infant having given his consent, we had a conversation together, of which I proceed to give you a brief but exact account.

I began by representing to the Infant, that till now we had been losing useful and valuable time; that in Europe, and particularly in Portugal and England, they would not know to what cause to attribute the long delay to which his departure had been subjected; that I could no longer allow myself to remain silent, especially towards the British cabinet, which was so frankly united with Austria in the interests of the Infant, and whose favour and support he was himself personally, so much interested in conciliating. I then recapitulated to the prince the arguments and considerations the most calculated to have an effect upon him. I declared to him, without reserve, that in his position there were only two measures to take—either to order immediately a Portuguese ship-of-war to England, where his royal highness must, on his part, go directly in order to embark as soon as possible, or to await at Vienna the final decision of the emperor Don Pedro, to whom the cabinets of Vienna and London would be under the necessity of communicating the motives which had induced the Infant not to comply immediately with his orders. I added, that if he decided upon the first alternative, I was ready to despatch a courier to London, to inform the British government of it, and that without allowing myself to prejudge its decision, I did

not doubt but that that government would willingly yield to his wishes in that respect. I ended by reminding the Infant of the value which the emperor placed upon seeing him follow implicitly his counsels, which had hitherto been so useful to him; and I did not conceal from him that his majesty was deeply affected by the obstinacy with which he had resisted them.

I soon perceived that I had had the good fortune to make a deep impression upon the Infant;—he was visibly moved, and, after a few moments of reflection, he at length yielded to the counsels of friendship and reason. From that moment the conversation of the Infant became lively and animated; he expressed himself to me with as great freedom and frankness as he had, till then, used reserve, in his replies. He told me that he was ready to proceed to England for the purpose of embarking, as soon as possible, on board a Portuguese ship, that he would, in consequence, give the necessary orders, and that he requested me to write to England and to Portugal to hasten the execution of them; that he considered it to be due to the Portuguese nation and to himself, not to return to his country under any other flag than that of Portugal. In the course of this conversation he did not deny that he had some fears of passing through England, because he knew that strong prejudices had been entertained against him there, which made him apprehensive that he might be badly received. He afterwards, of his own accord, began to speak to me, with warmth of feeling, of the line of conduct which he intended to follow upon his arrival at Lisbon; and I confess that I was surprised with the rec-

titude of the principles, and with the wisdom of the views which he detailed to me with remarkable clearness and precision. The manner in which the Infant explained himself to me upon this occasion does not allow me to doubt that he is animated by the best disposition, and that he is not only firmly resolved to maintain the charter, but that he even sees the importance and necessity of doing so. On leaving me, he requested me to convey his final determinations to the knowledge of the emperor, which I hastened to do, and he afterwards asked me to be so good as to concert with the Portuguese ministers all the arrangements relative to his departure, which we have just done, and with which I shall have the honour of acquainting you in a despatch, of which M. de Neumann will be the bearer.

Such is the faithful account of what has passed here with the Infant since the arrival of M. de Villa Real. If the resistance with which he opposed us at first is to be regretted, particularly with reference to the loss of time which has been occasioned by it, it has had, on the other hand, the advantage of offering to us a true guarantee of the sincerity of the intentions of this young prince, who has only yielded from conviction, and who, from the moment he became convinced, has evinced the most favourable dispositions, and principles the most conformable to our wishes. It is from a sentiment of nationality perhaps exaggerated, but laudable in him, that he is determined to proceed to Lisbon in a Portuguese ship, and in this point of view his opposition is excusable. As to the rest, I did all I could to quiet his mind entirely with regard to the

manner in which he would be received in England. I promised him that the emperor would recommend him particularly to the personal kindness of the king: and his majesty has in fact commanded me expressly to charge your highness to do every thing in your power to prepare for this young prince a favourable and gracious reception, as well on the part of the king, as on that of the government.

Your highness is authorised to communicate this despatch, without reserve; to the principal Secretary of State.

Receive, &c.

(Signed) METTERNICH.

*His Highness the
Prince Esterhazy.*

(*Sub-Enclosure B, in No. 15.*)

PROTOCOL.

Vienna, October 20, 1827.

PRESENT.

On the part of Austria.—M. le Prince de Metternich, M. le Comte de Lebzeltern, M. le Chevalier de Neumann, M. le Comte Henri de Bombelles.

On the part of England.—The British Ambassador.

On the part of his royal highness the Infant Don Miguel.—M. le Baron de Villa-Secca, M. le Comte de Villa Real.

The Portuguese plenipotentiaries having requested prince Metternich to have the goodness to assemble a second conference to receive the communication of the letters which his royal highness the Infant had written and signed on the preceding evening, for his majesty the emperor Don Pedro, his august brother, for his majesty the king of England, and for her royal highness the Infanta Donna Maria Isabella, regent of Portugal; in

which letters the Infant, in conformity with the opinion of the Cabinet of Vienna, assumes the double character of lieutenant and regent of the kingdom; and prince Metternich being desirous to re-assemble the conference at his house on the 20th of October, according to the desire of the Portuguese plenipotentiaries, those gentlemen read the three letters above mentioned, and annexed to the Protocol copies and translations of them. A just eulogium was generally paid to the wisdom, uprightness, and rectitude of the principles manifested in their composition. It was also observed, that the letter of the Infant to the emperor Don Pedro did not contain any reservation of his personal rights, but that at London, however, such a reservation was considered as desirable. But prince Metternich replied, that the Infant having already explicitly reserved all his rights in the letter which he has written to the emperor Don Pedro his brother, in sending to him his oath to the Portuguese charter, a second reservation would at present be superfluous; that it was, notwithstanding, very natural that in Portugal a high value should be attached to that question, which is necessarily connected with those of the confirmation of the act of abdication of the emperor Don Pedro, of the sending the young queen Maria da Gloria to Portugal, and of the total and definitive separation of the two crowns; that they might remain perfectly tranquil on that head, seeing that Austria and England were convinced of the importance of not suffering a longer time to elapse, without deciding upon questions of so high an interest for the interior tranquillity of Portugal, and that those two Powers were determined to

unite their efforts to urge and obtain their decision at Rio de Janeiro.

The explanations furnished on this subject by prince Metternich having been found fully satisfactory, it was acknowledged that the reservation in question would be useless.

The Portuguese plenipotentiaries afterwards announced to the English ambassador, that the Infant had anticipated the wishes of his government, in deciding spontaneously to address a second confidential and affectionate letter to the Infanta, his sister, to tranquillize her on the subject of her future condition. Those gentlemen added, that the Infant had also decided to write in duplicate to the Infanta, his sister; that all the letters were ready, signed and sealed; that it only remained for them, consequently, to request prince Metternich to have the goodness to hasten their despatch by way of London and Madrid. Prince Metternich gave a positive assurance that these two expeditions should set out with the least possible delay, and he, in consequence, engaged MM. de Villa-Secca and de Villa-Real to send to him, in the course of to-morrow, the letters of his royal highness, as well as the despatches which those gentlemen may desire should accompany them.

The Portuguese plenipotentiaries observed, lastly, that the frank and loyal support which they have constantly met with from M. the marquis de Rezende, in regard to all the questions, relative as well to the departure of the Infant as to the direction and acceleration of the journey of that prince, has induced them to keep him generally acquainted with the course of their transactions, and to inquire of him

respecting the desire which he might perhaps have to assist at the conferences destined to sanction the result; but that the envoy of Brazil had answered, that he had fulfilled the instructions of the emperor, his master, in causing the Infant to know distinctly the intentions of his august brother, relative to his departure and voyage; but that not being specially authorized to take part in the affairs of Portugal, as he had announced in one of their former confidential meetings, he had preferred not assisting at the conferences relative to them.

In conformity with this declaration, it has been agreed not to invite the marquis de Rezende to assist at the present meeting, but to conclude the protocol of it, and to submit it, as well as that of the preceding meeting, for the signature of the representatives of Austria, England, and Portugal, to preserve the two original protocols in the archives of the Chancery of the Court and State at Vienna; and to deliver legalized copies of it to the English ambassador, and the Portuguese plenipotentiaries.

(Signed)

METTERNICH.

LEBZELTERN.

NEUMANN.

H. DE BOMBELLES.

H. WELLESLEY.

CONDE DE VILLA-REAL.

BARAO DE VILLA-SECCA.

(*Annex to 1, Sub-Enclosure B in No. 15*)

HIS ROYAL HIGHNESS THE INFANT DON MIGUEL to HIS MAJESTY THE EMPEROR OF BRAZIL.

Vienna, October 19, 1827.

Sir—I have received the decree which your imperial, royal and most faithful majesty has deigned

to address to me, dated the 3rd of July, by which your majesty has been pleased to nominate me your lieutenant and regent of the kingdoms of Portugal, the Algarves, and their dependencies; and, conformably with the sovereign determinations of your majesty, I immediately occupied myself in making the necessary arrangements to proceed to Lisbon, in order to fulfil the wise and paternal views of your majesty, in governing and ruling the said kingdoms conformably to the Constitutional Charter which your majesty has granted to the Portuguese nation.

All my efforts shall tend to the maintenance of the institutions which govern Portugal, and to contribute, as much as lies in my power, to the preservation of the public tranquillity in that country, to prevent its being troubled by factions, whatever may be their origin,—factions which shall never have my support.

May heaven preserve the precious days of your majesty.

(Signed)

THE INFANT DON MIGUEL.
*His Majesty the Emperor
of Brazil.*

(Annex 2 to Sub-Enclosure B, in No. 15.)

HIS ROYAL HIGHNESS THE INFANT DON MIGUEL to HER ROYAL HIGHNESS THE INFANTA REGENT OF PORTUGAL.

Vienna, October 19, 1827.

My dear Sister,—Although I have every reason to suppose that you are already acquainted with the resolution taken by our august brother and king to nominate me his lieutenant and regent of the kingdoms of Portugal and the Algarves, and their dependencies, to govern them conformably to what is prescribed

in the Constitutional Charter given by our august brother to the Portuguese nation, I cannot, nevertheless, forbear announcing to you that I have received the decree of the 3rd of July of the present year, in virtue of which I find myself fully authorised to take possession of the regency of the above-mentioned kingdoms.

Determined to maintain inviolate the laws of the kingdom, and the institutions legally granted by our august brother, and which we have all sworn to maintain and to cause to be observed, and to rule by them the above-mentioned kingdoms, it is proper that I should so declare it, that you may have the goodness, my dear sister, to give to that solemn declaration the required publicity, and that you may make known, at the same time, the firm intention which I have to repress the factions which, under whatever pretext, tend to trouble the public tranquillity in Portugal; desiring that past errors and faults which may have been committed may be buried in an entire oblivion, and that concord and a perfect spirit of conciliation may succeed to the deplorable agitations, which have divided a nation, celebrated in the annals of history for its virtues, valour, loyalty, and devotion to its princes.

In order to execute the royal intentions of our august brother, I am preparing to return to Portugal; and I request you, my dear sister, without any loss of time, to cause a frigate and a brig to be prepared, and to set out for the port of Falmouth, in order that they may serve to transport me to Lisbon.

May God, my dear sister, have you in his safe and holy keeping.

(Signed)

MIGUEL.

The Infanta Regent of Portugal.

*(Annex 3 to Sub-Enclosure B, in
No. 15.)*

HIS ROYAL HIGHNESS THE INFANT DON MIGUEL to His BRITANNIC MAJESTY.

Vienna, Oct. 19, 1827.

Sire,—The decree by which the emperor and king, my brother, has nominated me his lieutenant and regent in the kingdoms of Portugal and the Algarves, and its dependencies, having reached me, one of my first cares must be to convey this noble resolution to the knowledge of your majesty. Convinced of the interest which you will take in it, on account of the antient and intimate alliance which has always subsisted between Portugal and Great Britain, and which I sincerely desire to cultivate, I dare flatter myself that you will have the goodness to grant me your good-will and support; the end which I propose to myself being invariably to maintain tranquillity and good order in Portugal, by means of the institutions granted by the emperor and king, my brother,—institutions which I am firmly resolved to cause to be respected.

I address this request to your majesty, in the expectation of having the honour of making it to you personally, with the confidence inspired by your great wisdom and the interest which you have always taken in every thing which regards my family and the welfare of Portugal.

I pray your majesty to accept the homage of my sentiments of attachment and high consideration.

(Signed)

THE INFANT DON MIGUEL.
His Britannic Majesty.

(Sub-Enclosure C, in No. 15.)

PROTOCOL.

Vienna, Oct. 28, 1827.

PRESENT.

On the part of Austria.—M. le Prince de Metternich, M. le Comte de Lebzeltern, M. le Chevalier de Neumann, M. le Comte H. de Bombelles.

On the part of England.—The British Ambassador.

On the part of his royal highness the Infant Don Miguel.—M. le Baron de Villa Secca, M. le Comte de Villa Real.

The protocol of the conference of the 20th of this month was approved and signed, when the British ambassador announced that he had still a confidential communication to make to the members of the conference, and he read to them a letter which he had that day received from Paris, in which he was informed that some agents of the Portuguese refugees had been sent there to obtain access to the Infant. It appears, according to this letter, that these refugees are endeavouring to excite an insurrection in Portugal, and to destroy the constitution before the arrival of Don Miguel.

Prince Metternich observed, that this communication deserved the more serious attention, as the intelligence which he had received direct from Spain in the course of the last week, and which he had hastened to communicate to the British Government on the 18th of this month, gave him reason to believe in the existence of, this culpable project; that the Infant had himself been the first to speak to him of his fears with respect to this, and had expressed a wish that means should be thought of to prevent a movement, which, should

it break out before his arrival at Lisbon; might place him in a very difficult and embarrassing situation. Prince Metternich added, that, as the Infant entertained views so favourable, the most effectual means to employ, would be a direct overture from this prince to the king of Spain. He proposed, therefore, to invite the Infant to write immediately to his Catholic majesty, to inform him of the determination which he had come to, in conformity with the decree of the emperor Don Pedro, his brother, of the 3rd of July, and to ask of him, at the same time, with confidence, to take such measures as, in his wisdom, he should judge most effectual in preserving tranquillity in the Peninsula, and to make known to the aforesaid refugees that the Infant highly disapproved of such projects, and was determined to repress them.

This proposal of prince Metternich having been unanimously approved, the Portuguese plenipotentiaries having undertaken to submit it to the Infant, and that prince having received it favourably, the baron de Villa Secca, and the count de Villa Real have announced to-day to the conference, that his royal highness had willingly consented to write to the king of Spain in the sense agreed upon; that they had it in command to deliver to prince Metternich the letter of the Infant to his Catholic majesty, with the request that it might be forwarded to its destination as soon as possible, and to annex a copy of it to the present protocol.

The prince Metternich declared that he took charge of it with the greater pleasure, inasmuch as he did not doubt but that a step so frank and loyal on the part of the

Infant would produce all the effect which it gave a right to expect. He then proposed to communicate the present protocol to the cabinets of London, Paris, Berlin, and Petersburg, with the request that they would transmit, without delay to their respective missions at Madrid, orders to support, with all their influence, the step which the Infant has just taken towards his Catholic majesty.

This proposition having been unanimously approved, it was agreed that the despatches for Paris and London should be in consequence made up immediately, and that they should be intrusted to M. de Neumann.

(Signed)

METTERNICH.

LEBZELTERN.

NEUMANN.

H. DE BOMBELLES.

H. WELLESLEY.

CONDE DE VILLA REAL.

BARAO DE VILLA SECCA.

(*Annex to Sub-Enclosure C, in
No. 15.*)

HIS ROYAL HIGHNESS THE INFANT DON MIGUEL to HIS MAJESTY THE KING OF SPAIN.

Vienna, Oct. 21, 1827.

My very dear Uncle,—I have the honour to inform your majesty, that I have received a decree, dated from Rio de Janeiro, by which my august brother, the emperor of Brazil, and king of Portugal and the Algarves, nominates me his lieutenant and regent in the last-mentioned kingdoms. Having accepted this regency, and proposing shortly to repair to Lisbon, it has come to my knowledge, from sources worthy of credit, that some of the chiefs of the Portuguese refugees, who are now in the dominions of your majesty, intend in the

mean time to excite movements, with the intention of disturbing public order in Portugal, which would necessarily produce calamities which will not escape the high penetration of your majesty.

In this state of things, I address myself directly to your majesty, with the confidence with which I am inspired by the sincere and well-known desire by which your majesty is animated of maintaining tranquillity in the Peninsula, in order that, weighing in your high wisdom a matter so weighty, your majesty would deign to take those measures which you shall judge the most fitting, in order to make known to the aforesaid refugees my most entire disapprobation of such projects which I am firmly resolved to repress.—May God, &c.

(Signed)

THE INFANT DON MIGUEL.
His Majesty the King of Spain.

Despatches from SIR FREDERICK LAMB, with regard to the conduct of the INFANT DON MIGUEL IN PORTUGAL.—1828

No. XVI.

SIR FREDERICK LAMB to THE
EARL OF DUDLEY.

(Received March 14.)

Lisbon, March 1, 1828.

My Lord,—On the 26th ultimo, the Infant Don Miguel took the oath in the form prescribed by the constitution, the Infanta Donna Isabel Maria having previously resigned the regency, and delivered the speech, of which I have the honour to enclose a translation.

The whole of the diplomatic body were present except the Nuncio.—Not having delivered my credentials, Mr. Forbes attended on the part of England.

On the days immediately suc-

ceeding his royal highness's landing, there were cries of "Long live Don Miguel the First," and attempts were unsuccessfully made to induce the soldiers to join in them. These have not been repressed or punished as they ought; but although much distrust prevails, no further expression of party feeling has taken place here. In the provinces some ultra royalist movements are reported to have been attempted, but to have been easily repressed, the military taking no part in them.

I have the honour to be, &c.

(Signed)

F. LAMB

*The right honourable the
Earl of Dudley, &c.*

(Enclosure in No. 16.—Translation.)

*Speech of the INFANTA DONNA
ISABEL MARIA, to the CHAM-
BERS on resigning the Regency.*

Feb. 26, 1828.

An event out of the ordinary course, which at this moment not only attracts the attention of all Europe, by uniting the good wishes of its separate governments, but which ought to leave all good Portuguese nothing farther to wish for, has, to-day, called you together in these august precincts. My esteemed and dear brother, the Infant Don Miguel, appointed to assume the regency of this kingdom, is here for the purpose of ratifying and fulfilling, by the most solemn of acts, in the presence of the nation, that oath which he so willingly took when at a distance from it. My august brother, the Infant Don Miguel, having thus been legitimately called to such an exalted station, having been welcomed by the good wishes of the whole nation, and re-uniting unanimously those of all the European Powers whom

an enlightened policy binds together in the sacred tie of their common interest, will, happily for this country, find himself placed in the most advantageous position for evincing the wisdom of his intentions, the firmness of his character, and the moderation of his principles.

Let us therefore hope that this European event, which must ever be a most distinguished epoch in the annals of Portuguese history, may as completely meet the wants of the people as it has satisfied their affection and wishes for his presence.

In respect to myself, relieved this day from a charge to which I felt myself so unequal, but which I submitted to with patience, from those motives of obedience which now make me resign it with pleasure, I shall, with fervent wishes for its happiness, watch over the destinies of a nation whose real interests must ever be dear to me, and I must always consider my having been called to govern it as the most valued title of my glory.

No. XVII.

SIR FREDERICK LAMB to THE
EARL OF DUDLEY.

(Received March 14.)

(Extract.)

Lisbon, March 1, 1828.

A delay of some days arose in the taking of the oath, from discussions as to the form to be adopted. Several of the Infant's advisers, at the head of whom was the duke of Cadaval, recommend that it should conclude with the engagement to resign the regency into the hands of the young queen.

In these discussions I did not

conceive it to be my province to take a part, until they had been carried so far that the count de Villa Real waited upon me, by Don Miguel's order, with a request that I would send a packet to England, to notify to his majesty's government that it was his intention not only to take the oath I have mentioned, but afterwards to administer the government in the name of Donna Maria da Gloria. This was so total a departure from all that had been settled in England—it was so incompatible with the negotiation now pending in Brazil, and would have put us upon so false a footing with Don Pedro—that I replied, without hesitation, that in case such a purpose were persisted in, I should defer presenting my credentials until the receipt of further orders from my Court.

Count de Bombelles, who had already felt some doubt whether he could, under such circumstances, present his, was decided by my determination, and acquainted the Infant with his resolution, in a private audience; using, at the same time, every argument which might deter his royal highness from a course so calculated to embroil the affairs of this country, and to deprive him of the support of the European Courts. After much consultation with many advisers, the duke of Cadaval gave way, and the Infant took the oath, nearly, if not quite, in the same words in which it had been taken by his sister, concluding it by the engagement to resign the regency in conformity with the Charter.

(Signed)

F. LAMB.

*The right honourable the
Earl of Dudley, &c.*

No. XVIII.

SIR FREDERICK LAMB to THE
EARL OF DUDLEY.

(Received March 14.)

Lisbon, March 1, 1828.

My Lord,—there is an active struggle going on in the interior of the palace. The queen has taken up her residence at the Ajuda, under the same roof with the Infant, and his royal highness is incessantly assailed with recommendations to declare himself king and reign without the Chambers.

It depends entirely upon his will to do so; the Chambers would offer no opposition, and the measure would be popular with the great majority of the country; but as yet he remains firm, and says it would be a breach of faith of which he will not be guilty.

The battle is not yet over, and fortunately, among his royal highness's ministers are persons, who, for the present, will firmly resist such measures.

I have the honour to be, &c.

(Signed) F. LAMB.

*The right honourable the
Earl of Dudley, &c.*

No. XIX.

SIR FREDERICK LAMB to THE
EARL OF DUDLEY.

(Received March 17.)

(Extract)

Lisbon, March 2, 1828.

Fresh proclamations have been received from the refugees in Spain, ending with Vivas to Don Miguel I., if he is worthy, and calling upon all true Portuguese to assert his rights. It is to be apprehended that addresses will be procured from the municipalities, or movements excited in the provinces, which will give a colour to represent the future

conduct of the Infant as called for by the wish of the nation.

Your lordship may recollect that the Infant had engaged at Vienna to issue a proclamation declaratory of his sentiments upon arriving in Portugal. This engagement has been recalled by M. de Villa Real, but its fulfilment negatived in Council. M. de Bombelles and I have judged it inexpedient to put ourselves forward in order to obtain it, as, even in case of our prevailing, the redaction would always remain in the hands of the Portuguese ministers, and the Infant might easily be made to hold a language at least as bad as his present silence.

(Signed) F. LAMB.

*The right honourable the
Earl of Dudley &c.*

No. XX.

SIR FREDERICK LAMB to THE
EARL OF DUDLEY.

(Received March 18.)

Lisbon, March 12, 1828.

My Lord,—By the decree published in the Gazeta de Lisboa of yesterday, your lordship will perceive that the colonels of seven of the regiments composing the garrison of Lisbon have been removed. Of these, the two colonels of cavalry are obnoxious, as having served with the greatest distinction under the count Villa Flor. Among the others are some, the reason of whose dismissal is not so evident, but in all instances they have been replaced by persons upon whom the Infant thinks he can implicitly count. Two of the regiments composing the garrison still retain their former colonels, and the reason generally assigned is, that these two regiments were resolved to turn out, if their commanders were taken from them. It is understood that the purification of the army

will be carried to a great extent, and that the adherents of the marquis de Chaves will be substituted for the officers and non-commissioned officers at present in active employment. Though this is calculated to give ultimately to the Infant the complete possession of the army, yet for the moment it has a directly opposite effect; and I have ascertained beyond a doubt, that the real reason of his wish to delay the embarkation of our troops, was in order to retain them as guarantees of his safety, until the operation should be completed. These changes amount, in fact, to a new revolution, and are directly opposed to all the engagements taken by the Infant. They are

perfectly unnecessary, except as the precursors of more violent measures, the army being perfectly obedient, and having shown no sign of want of attachment either to the Infant or to its duties.

I have the honour to be, &c.

(Signed)

F. LAMB.

*The right honourable the
Earl of Dudley, &c.*

P.S.—I this moment learn that an order will appear to-day changing all the governors of the provinces; among them the count d'Alva, governor of the Algarves; and it is generally understood that their only crime is the having resisted the entrance of the rebels. The count d'Alva is brother-in-law to the count Villa Real.

CORRESPONDENCE between the EARL OF ABERDEEN and the MARQUIS DE BARBACENA, relating to the Interposition of GREAT BRITAIN, on DON MIGUEL proclaiming himself KING.

**THE MARQUIS DE BARBACENA to
THE EARL OF ABERDEEN.**

London, Nov. 25, 1828.

The undersigned, Plenipotentiary of his Majesty the Emperor of Brazil, discharges the sacred duty imposed upon him by his august master, by addressing to his Excellency, the Earl of Aberdeen, his Britannic Majesty's principal Secretary of State for Foreign Affairs, the official demand of his Britannic Majesty's support in favour of her Majesty the Queen of Portugal, and the claim of effectual assistance in placing her most faithful Majesty upon the throne belonging to her, as well as in securing to her the possession of her kingdom.

The intelligence of the usurpation effected at Lisbon on the 1st of July of this year, having excited

in the mind of his majesty, the emperor Don Pedro, a just indignation and the most lively pain, it may be easily conceived that these feelings of his imperial majesty are heightened by the paternal uneasiness necessarily occasioned by the lot of a beloved daughter, from whom he could not separate but with regret, to comply with the repeated intances of the sovereigns, his allies; and in the full conviction that she would keep possession of the Crown guaranteed to her, no less by her legitimate rights than by the solemn arrangements to which the courts of England and Austria were parties, and by the oaths of the prince upon whom he had conferred the regency of Portugal, and for whom he had destined the hand of his daughter.

His imperial majesty, though

cruelly disappointed in this hope, can entertain no doubt of the same powers sharing his just indignation; and he has gratefully received the first proof which they afforded of it by withdrawing their ministers from Lisbon. He has looked upon it as a sure pledge, that the antient and intimate ally of Portugal would not be satisfied with testifying by that act, in common with all the other courts of Europe, his disapprobation of the perfidious insurrection excited in Portugal, but that his powerful co-operation would be still more effectually displayed in favour of the queen, when formally called upon for that purpose by the head of the house of Braganza; and this hope happily accords with the words spoken from the throne at the closing of the last session of the British parliament. Determined never to come to any terms with the usurper of the Portugese crown, and to assert the rights of her majesty, the queen Donna Maria 2nd, the first thought of his majesty, the emperor of Brazil, could be no other than that of claiming for this purpose the aid of his Britannic majesty, in virtue of the treaties subsisting between Portugal and Great Britain.

These treaties, as his excellency lord Aberdeen is aware, commence with the earliest periods of the Portugese monarchy. In the reign of Edward 1st of England, stipulations of friendship and commerce were entered into between the two Crowns; and in 1373 a formal treaty of alliance was concluded between Ferdinand 1st of Portugal, and Edward 3rd of England. Such is the antient alliance still subsisting, it may be affirmed, in full vigour and intact, by means of the series of treaties which have suc-

ceeded each other, and which, most of them, set out with confirming all the former treaties.

This series ends with the treaty of the 21st January, 1815, the third article of which runs thus:—"The ancient treaties of alliance, amity, and guarantee, which have so long and so happily subsisted between the two Crowns, are by this present article renewed by the two high contracting parties, and acknowledged to be in full force and vigour."

No war has, during this long period, interrupted between the two governments a connexion of which diplomatic history exhibits no similar instance; and the only rupture which has occurred took place during Cromwell's Protectorate, occasioned, it is worthy of remark, by the assistance given by the king of Portugal to the partizans of king Charles 1st, to whom he had granted an asylum at Lisbon.

The undersigned, after proving the existence and the validity of the whole of this series of treaties, would exceed the limits which he must prescribe to himself in this note, if he were to enter into a minute examination of each of them. He will therefore only extract some of the stipulations, by which their spirit and tendency may be demonstrated, as the true import of them is not to be sought only in the letter of the treaties, but in their aggregate, and in the intimate relations which they have created and kept up between the two countries and the two crowns.

By article I of the treaty of 1373, of which the undersigned encloses a copy, No. 1, it seems to have been intended to apply the stipulations of the alliance to the case of rebellion, and this supposi-

tion is confirmed by the subsequent act, No. 2, by which the king of England permits the raising in his dominions of a body of volunteers, to serve in the war which the king of Portugal was at that period carrying on against his rebellious brother, the conveyance of that body having been effected by means of two ships of the line which the British government provided for that purpose.

The treaty of alliance of 1571, between queen Elizabeth and king Sebastian, No. 3, makes express mention of rebellion; at least it states that the two sovereigns take a mutual interest in maintaining their respective governments.

In the act of ratification of the treaty of 1642, No. 4, the express intention of renewing the preceding treaties is observable.

The first article of the treaty of 1654, No. 5, contains the stipulation of neither receiving nor harbouring, reciprocally, the rebellious subjects of either of the two countries; and in virtue of this article, her majesty, queen Donna Maria 2nd, has, undoubtedly, the right to demand, that her august ally should not suffer an avowed agent of the usurper's government of Portugal to reside in England.

The seventeenth article of the treaty of 1661, No. 6, deserves to be read with attention, since in it is recognized, under preceding treaties, the power of levying troops in England. That treaty contains the strongest and the most positive expressions to be found in any act of this kind, as the king of England goes the length of declaring, that he will watch over the interests of Portugal with as much care as over those of his own dominions.

The first article of the Treaty

of Alliance of 1703, No. 7, explicitly confirms all the preceding treaties.

In Article 6 of the Convention, signed at London, the 22nd October, 1807, No. 8, occur the following expressions:—"His Britannic majesty engages in his name, and in that of his successors, never to acknowledge, as king of Portugal, any prince other than the heir and the legitimate representative of the royal family of Braganza."

This stipulation evidently applies to the present case; for the heir and legitimate representative, whom his Britannic majesty has recognized as such, is at the present moment dispossessed of her crown, by a prince of the same family, indeed, but who is not the less an usurper.

Neither can it be alleged that the convention, just mentioned, was only temporary; for not only is this condition nowhere stated, but it is formally contradicted by the general confirmation of all the preceding treaties of alliance and guarantee, contained in Article 3 of the treaty concluded at Vienna, the 21st January, 1815.

The undersigned deems it his duty to dwell upon the quotations just made, and to which he might add many more; but he flatters himself to have sufficiently demonstrated:—1st. That all the treaties of alliance and guarantee, concluded between Portugal and Great Britain, are still subsisting in full vigour;—2dly. That the nature of these treaties, their number, and the connexion which they have established between the two crowns for so many ages, give them a peculiar character, which distinguishes them from ordinary treaties, and that it is necessary to interpret them as a whole, rather

than to analyse them separately;—3rdly. That in several instances, express mention is therein made of cases of revolt, or of rebellion, either with the view to stipulate the affording of assistance, or for the purpose of permitting the levy of troops, or in order reciprocally to exclude rebels from the two states;—4thly. And, finally, that this alliance, at the moment when it was entered into, was applied to the case of revolt of the Infant Don Henry against his brother, the king Don Ferdinand, which is a similar case to that which now presents itself between his majesty the king Don Pedro 4th, and his brother, the Infant Don Miguel. The application, therefore, of the ancient treaties of alliance to the case under consideration has all the force of a precedent.

In addition to these treaties, alike valid and obligatory, the undersigned has yet to adduce other acts equally valid and diplomatic, although not possessing the form and denomination of treaties.

His excellency the earl of Aberdeen will be aware that the undersigned alludes to the protocols of the conferences held at Vienna, and at London, in October, 1827, and in January and February, 1828, to which conferences the plenipotentiaries of his Britannic majesty, and of his imperial and royal apostolic majesty, became principal parties, and which invest those sovereigns with the right of insisting upon the execution of all the engagements there contracted. These engagements are not binding solely upon the emperor Don Pedro, and his royal highness the Infant Don Miguel. The courts of England and Austria did not, on that occasion, act the part of mere witnesses, an assertion, the truth of

which, it is imagined by the undersigned, will evidently be proved by the following passages taken from the protocol of the second conference of Vienna, and from that of the conference of January 12th, of London. It was stated in the second conference of Vienna, that the two powers, “(England and Austria) were impressed with the importance of not suffering any longer to be undecided questions of so high an interest (the confirmation of the act of his majesty the emperor Don Pedro’s abdication; the sending of the young queen to Europe; and the total and definite separation of the two crowns), and that those two powers were determined to unite their attention and their efforts in pressing for, and obtaining the decision upon those points at Rio de Janeiro.”

In the conference of London, the plenipotentiaries of Great Britain, and of Austria, explain themselves thus:—“Lord Dudley, prince Esterhazy, and count de Bombelles, cannot, in accordance with what has already been set forth in the Vienna conferences, but again express the wishes of their respective governments for the abdication of the crown of Portugal being, as soon as possible, and without restriction, effected by his majesty Don Pedro 4th; and as soon as such abdication shall have been completed, and the separation confirmed, the two courts engage to employ their good offices, in order to induce the governments of Portugal and Brazil, conjointly, to announce this arrangement to all the powers, and to procure their recognition of it. The two courts bind themselves, likewise, to use their good offices for definitively regulating, by means of a treaty,

the order of succession in the branches of the house of Braganza, and that when this transaction shall have been concluded, it shall be brought to the knowledge of the foreign powers, with the view of its being recognized by them."

On reading these two protocols, it would certainly be difficult to maintain that England and Austria were but as mere witnesses, present at the conferences of Vienna and London, through the medium of their plenipotentiaries.

Had such been the case, how could those two courts have imagined themselves called upon, not only to express their wishes in the above conferences, but to contract the positive engagement of uniting their attention and their efforts for obtaining, at Rio de Janeiro, agreeably to those wishes, the decision of several questions of the highest interest to the future destinies of Portugal and of Brazil? Is it not evident, that if (contrary to all probability) his majesty the emperor of Brazil had chosen to recall his promises, the two courts would have found themselves authorized, according to the tenor of the protocols, to demand the performance of them? And, on a stronger ground, is it not also incontestable, that they would find themselves authorized more forcibly to exert this right, which they had exercised in respect of his imperial majesty, with regard to a prince whose oath they, on that occasion, had in a manner put on record?

The undersigned, therefore, takes leave to repeat, that the above protocols ought to be considered exactly in the light of a formal treaty, because they contain reciprocal promises and engagements to which the plenipotentiaries of Por-

tugal, appointed by the regent, in the king's name, as well as the plenipotentiaries of Great Britain and Austria, were parties.

Finally, his excellency the earl of Aberdeen knows, that the name of treaty or convention is not requisite to constitute the validity of political engagements, and that the signed memorandum of a conference, or an exchange of notes, have frequently answered the same purpose.

And can the British monarch, if the undersigned may presume to make such an appeal, ever forget the written assurances which his majesty received, and the words which his majesty himself heard the Infant Don Miguel utter? Will the king of England forget, that that prince, after having been received in England in the most distinguished and most friendly manner, and after having been accompanied as far as the Tagus by an English squadron, did immediately violate every oath, while under the protection, it may be asserted, of the British troops, whose presence at Lisbon, though without any such intention, produced the effect of repressing every attempt at resistance to measures, by which, under the legal mask of the regency, the Infant was preparing to accomplish the usurpation?

Can his Britannic majesty, on the other hand, forget the generosity, the good faith, and the implicit confidence with which his majesty, the emperor of Brazil, has complied with all the wishes, and conformed to all the counsels of his august ally, by completing his abdication of the crown of Portugal, and by sending the young queen to Europe?

And can it be possible that the august monarch who so earnestly

advised both those measures, should patiently bear the usurpation, and refuse to lend the queen, his ally, that succour which the undersigned, in the name of that sovereign, and supported by her presence, claims in her favour? No one can suppose it.

To conclude, the undersigned therefore claims, in the name of his august master, and in favour of queen Donna Maria 2nd, such assistance as the circumstances call for, and as her most faithful majesty is justified in expecting, on the part of his Britannic majesty, in virtue of the intimate alliance subsisting between the two crowns, and of the engagements resulting from the formal conferences held at Vienna and London. The undersigned cannot doubt of the resolution which the sentiments of justice and of honour will dictate to the cabinet of his Britannic majesty, the more particularly when he calls to mind the counsels and the promises which he was charged himself to convey to the emperor, his master, from the eminent personage who now presides, and was already presiding in March last, over his Britannic majesty's councils; he has only to add, that in case the stipulations of the treaty of 1661 should not be judged sufficient for the present circumstances, he is provided with the necessary instructions and full powers for concluding a convention, in which the succours to be furnished by his majesty, the emperor of Brazil, and by his Britannic majesty, to her majesty the most faithful queen, may be formally specified.

The undersigned avails himself of this opportunity, &c.

THE MARQUIS DE BARBACENA.
*His excellency the Earl
of Aberdeen, &c.*

THE EARL OF ABERDEEN to THE
MARQUIS DE BARBACENA.

Foreign-office, Jan. 13, 1829.

The undersigned, in reply to the note which he had the honour of receiving from the marquis de Barbacena, on the 30th of November, cannot help noticing the extraordinary circumstance, that, while the ambassador of his majesty, at the court of Rio de Janeiro, is charged with a special commission, having for its object the reconciliation of the emperor Don Pedro with his brother the Infant Don Miguel, the plenipotentiary of his Brazilian majesty in this country should claim officially from his majesty effectual succours, in order to place her most faithful majesty Donna Maria 2nd upon the throne of Portugal; and this, at the same time that lord Strangford, and the minister of his imperial majesty the emperor of Austria, were receiving, from the mouth of the emperor of Brazil, professions of his intention to defer to the counsels and judgment of his august father-in-law, and of the king of Great Britain, in the settlement of the unhappy differences subsisting in the house of Braganza.

Under these circumstances, the undersigned would have felt himself compelled to wait until further advices had enabled him to ascertain the real sentiments of the court of Rio de Janeiro; but the demand of the marquis de Barbacena being founded upon the alleged obligations of treaties, it is more consistent with his sense of duty towards his sovereign, to explain at once the real nature of these obligations, and in doing so, to remove all doubt from the honour and good faith of the king, his master.

The marquis de Barbacena has presented a summary of various treaties contracted between the two countries, commencing with that of the earliest date, in the year 1373, and concluding with the engagements entered into at the Congress of Vienna, in the year 1815. It would not be difficult to add to this list, and to prove that the obligations of Great Britain, throughout this long period, have been discharged by a continued succession of services rendered to the kingdom of Portugal. It is not the purpose of the undersigned to deny the validity of these ancient treaties of alliance, friendship, and guarantee:—on the contrary, he is desirous of admitting the existence, in full force and vigour, of all such treaties as have not been cancelled or varied by subsequent diplomatic transactions. Neither does he object to the mode of construction adopted by the marquis de Barbacena. He will admit that the treaties may be explanatory of each other, and that their spirit may be gathered rather from the tenour of the whole, than from the particular enactments of each. But the marquis de Barbacena is aware that the specific object for which a treaty may have been framed, ought not to be lost sight of in this consideration; nor will he deny that the continued practice of the contracting parties forms the safest commentary upon the nature of their engagements; and that the true relation of the two countries towards each other is best established by the acts, during a long course of years, of their respective governments.

But the undersigned is prepared to maintain that the existing treaties, whether taken together, according to the cumulative method

of interpretation proposed by the marquis de Barbacena, or separately, cannot furnish any real support to the claim which has been advanced.

It is assumed that the usurpation of the throne of Portugal by the Infant Don Miguel has given to her most faithful majesty the right of demanding from this country effectual succours, for the recovery of her crown and kingdom. But it is not easy to see upon what foundation such a claim is supposed to rest. In the whole series of treaties, there is no express stipulation which can warrant the pretension put forward in the note of the marquis de Barbacena. Neither is any such obligation implied by their general tenour and spirit.

It is then, either for the purpose of resisting successful rebellion, or for that of deciding, by force, a question of doubtful succession, that Great Britain has now been called upon to act. But it is impossible to imagine that any independent state could ever intend thus to commit the direction and control of its internal affairs to the hands of another power; for, doubtless, if his majesty be under the necessity of furnishing effectual succour in the event of any internal revolt or dissension in Portugal, it would become a duty, and indeed it would be essential, to take care that no such cause should exist, if it could possibly be prevented. Hence a constant and minute interference in the affairs of Portugal would be indispensable; for his majesty could never consent to hold his fleets and armies at the disposal of a king of Portugal, without exercising those due precautions, and that superintendence, which should assure him that his forces would not be liable to be

is of internal dissension they
no application. By the note
presented to the Portuguese
government by the British chargé
affaires at Lisbon, in the month
December, 1822, his majesty
ordered, that, in the events which
at time divided the house of
Braganza against itself, he was
resolved to observe, "the most
strict and scrupulous neutrality."
A happy agreement with his
most faithful majesty, concluded
under the mediation of Great Bri-
tain, the independence of Brasil
was finally acknowledged and se-
cured; but this has been so far
from weakening the effect of the
guarantee given by Great Bri-
tain for the preservation of Por-
tugal and her remaining colonies,
that his majesty would feel him-
self bound to protect them equally
against the unjust aggression of
Brasil as of any other foreign
power.

It is not pretended by the mar-
quis de Barbacena that the usurp-
ation of the Infant Don Miguel
has had any foreign origin, or has
been encouraged by any foreign
state. On the contrary, every
sovereign in Europe has withdrawn
its minister, and suspended all
diplomatic intercourse with the
court of Lisbon. Whether the act
right or wrong, it was that of
the nation. If proof were want-
ing, it would be found in the con-
duct of those who, having raised
the standard of the emperor Don
Pedro, or of the queen Donna
Maria at Oporto, having collected
a part of the army,
a large body of men
belonging to the mi-
nistry, superior in num-
ber and discipline, and
their opponents, still
necessary to abandon

Oporto, and many of them to seek
refuge in England, because, as they
declared, they found the whole
country against them.

But if a case of successful usur-
pation and rebellion cannot justify
the interference of Great Britain,
still less can she be called upon to
take part in the decision of a dis-
puted succession. It is attempted,
however, to interpret the guarantee
established in the treaties with
Portugal, as imposing upon Great
Britain the obligation of securing
the succession of the Queen Donna
Maria, and of placing her most
faithful majesty by force upon the
throne of her ancestors.

If Great Britain had yielded to
the solicitation of the ambassador
of his most faithful majesty, in
December 1825, and had guaranteed
the succession of Portugal to the
emperor Don Pedro, in spite of his
declared reluctance to accept it,
confirmed by his subsequent abdi-
cation, we should have contracted
an engagement utterly beyond our
power to fulfil; and which, from
its very nature, must have been
known to be so, at the moment at
which it was formed. The British
government, therefore, did wisely
in declining to accede to the propo-
sition of the marquis de Palmella.
It is true that his majesty, respect-
ing the rights of primogeniture,
and the order of nature, has ac-
knowledgeed the emperor Don Pedro
as king of Portugal; and, upon
his abdication, has also recognised
the Infanta Donna Maria as his
successor, and the lawful sovereign
of that country. But his majesty
would contradict the principles
which he has publicly professed,
were he to employ force as the
means of obtaining the acquiescence
of an independent people in this
recognition.

employed in averting the effects of mis-government, folly, or caprice. Is this a condition in which any state, professing to be independent, could endure to exist? And yet, if it were possible to admit the validity of the engagements contended for by the marquis de Barbacena, such must necessarily be the relation in which Great Britain and Portugal would stand towards each other.

But the truth is that the whole spirit of the treaties, and their history, show that the principle of the guarantee given by England, is the protection of Portugal from foreign invasion.

When, upon the restoration of the Portuguese monarchy in 1640, a treaty was shortly after concluded between the two crowns,—which forms the real basis of their actual alliance,—the English government could have entertained no other object than that of extending an efficient protection to king John 4th, struggling to maintain his newly acquired independence against the overwhelming power of Spain. Again, in 1661, when Charles 2nd, in the treaty upon which the marquis de Barbacena appears greatly to rely, declares “that he will take the interest of Portugal, and all its dominions to heart, defending the same with his utmost power by sea and land, even as England itself;” it is clear that these engagements have reference to protection against foreign danger; and the manner in which this is to be afforded is expressly stated to be, by giving timely assistance against the “power of Castile, or any other enemy.”

In the course of the last century, Great Britain has repeatedly answered the call for this protec-

tion, and the marquis de Barbacena need not be reminded, has done so with alacrity, and with effect. Never, until the unfortunate events of the year 1820, has she been called upon to interfere in the internal affairs of Portugal. This interference, although frequently demanded since that period, has been steadily refused by the British government. It has been equally refused to all parties, as for all purposes; and certainly these have been the most opposite and contradictory. Even in 1826, when his majesty, in compliance with the requisition of the ambassador of his most faithful majesty, sent a body of his troops to Portugal, the justification of that measure was expressly placed upon the ground that the Portuguese refugees had acquired a foreign character, by having been embodied, armed, and equipped, in Spain; and the commander of the British troops was strictly enjoined to take no part whatever in the contest between the factions in Portugal; but to oppose him to the foreign invaders, and to such as he might find united under their banners.

In 1822, the king of Portugal regarded the declaration of independence by Brazil, and the assumption of the sovereign authority in that country by his son, the emperor Don Pedro, as acts of successful rebellion. The Portuguese government frequently appealed to the treaties with this country, and to the obligations of a guarantee, by which the integrity of Portugal and her colonies was secured. But the British government, while admitting in their full extent the obligations of the guarantee, maintained that they only existed against dismemberment by a foreign power; and that to the

effects of internal dissension they had no application. By the *note verbale* presented to the Portuguese government by the British chargé d'affaires at Lisbon, in the month of December, 1822, his majesty declared, that, in the events which at that time divided the house of Braganza against itself, he was determined to observe, "the most exact and scrupulous neutrality." By a happy agreement with his most faithful majesty, concluded under the mediation of Great Britain, the independence of Brasil was finally acknowledged and secured; but this has been so far from weakening the effect of the guarantee given by Great Britain for the preservation of Portugal and her remaining colonies, that his majesty would feel himself bound to protect them equally against the unjust aggression of Brasil as of any other foreign power.

It is not pretended by the marquis de Barbacena that the usurpation of the Infant Don Miguel has had any foreign origin, or has been encouraged by any foreign state. On the contrary, every sovereign in Europe has withdrawn his minister, and suspended all diplomatic intercourse with the court of Lisbon. Whether the act be right or wrong, it was that of the nation. If proof were wanting, it would be found in the conduct of those who, having raised the standard of the emperor Don Pedro, or of the queen Donna Maria, at Oporto, having collected there the greatest part of the army, together with a large body of men in arms, not belonging to the military profession, superior in numbers, equipment discipline, and means to their opponents, still thought it necessary to abandon

Oporto, and many of them to seek refuge in England, because, as they declared, they found the whole country against them.

But if a case of successful usurpation and rebellion cannot justify the interference of Great Britain, still less can she be called upon to take part in the decision of a disputed succession. It is attempted, however, to interpret the guarantee established in the treaties with Portugal, as imposing upon Great Britain the obligation of securing the succession of the Queen Donna Maria, and of placing her most faithful majesty by force upon the throne of her ancestors.

If Great Britain had yielded to the solicitation of the ambassador of his most faithful majesty, in December 1825, and had guaranteed the succession of Portugal to the emperor Don Pedro, in spite of his declared reluctance to accept it, confirmed by his subsequent abdication, we should have contracted an engagement utterly beyond our power to fulfil; and which, from its very nature, must have been known to be so, at the moment at which it was formed. The British government, therefore, did wisely in declining to accede to the proposition of the marquis de Palmella. It is true that his majesty, respecting the rights of primogeniture, and the order of nature, has acknowledged the emperor Don Pedro as king of Portugal; and, upon his abdication, has also recognised the Infanta Donna Maria as his successor, and the lawful sovereign of that country. But his majesty would contradict the principles which he has publicly professed, were he to employ force as the means of obtaining the acquiescence of an independent people in this recognition.

The only semblance of foundation for the assertion advanced by the marquis de Barbacena, that this country is bound, under the treaties of alliance and guarantee, to co-operate by such means in placing her most faithful majesty upon the throne of Portugal, is to be found in the stipulation of the 6th article of the secret convention, concluded on the 22nd of October, 1807, by which Great Britain engages never to recognize as king of Portugal any other prince than "the heir and legitimate representative of the royal family of Braganza."

It is to be recollected that this convention was signed in anticipation of the invasion of Portugal by a French force, and of the determination of the prince regent to embark with his whole family for Rio de Janeiro, rather than sacrifice his alliance with England. It was known, too, to be the intention of Buonaparte to parcel out the kingdom of Portugal in petty sovereignties, among the most favoured of his generals. This pledge, therefore, was the return made by the king of England for the devotion of his ally to the common cause. It was an assurance which that ally might naturally expect to receive against the danger then imminent. Were this convention still in force, his majesty might be bound to acknowledge, as king of Portugal, the legitimate heir only of the house of Braganza. But, obviously temporary in its character, it has ceased to exist with the necessity which gave it birth. The secret convention of 1807, was engrafted into the treaty of friendship and alliance signed at Rio de Janeiro in 1810; and in this treaty the 6th article of the secret convention, containing the express guarantee of Portugal to the house of Braganza

was inserted, word for word; the convention, therefore, merged in the treaty of 1810. But in 1815, at the termination of the struggle in which both countries had been so long and so gloriously engaged, when the sceptre of Portugal was replaced unimpaired in the hands of "the heir and legitimate representative of the royal family of Braganza," the main object of these treaties was accomplished. On the 22nd of January of that year, the two powers entered into another treaty at Vienna; by the third article of which, the treaty of 1810, "being founded on circumstances of a temporary nature, which have happily ceased to exist, the said treaty is hereby declared to be void in all its parts, and of no effect." That the provisions of the convention of 1807 are included in this revocation, is confirmed by the latter part of the same article, which declares that the revocation shall be without prejudice to "the ancient treaties of alliance, friendship, and guarantee, subsisting between the two countries," which are renewed and acknowledged to be in full force and effect, while it is entirely silent upon the convention of 1807; thus evidently showing, that in the opinion of both contracting parties, the latter convention partook of the same temporary character which is ascribed to the treaty of 1810; the stipulations of which, in consequence of the changes rendered necessary by the course of events, had previously been substituted for those of 1807.

The undersigned trusts, therefore, that the religious fidelity with which this country is desirous of fulfilling all its engagements, will not be exposed to imputation or doubt, if he finds himself compelled, in the name of the king, his master,

to reject the appeal which has been made by the marquis de Barbacena to the fancied obligations imposed upon Great Britain by the treaties existing being the two kingdoms.

In addition to the supposed obligation arising from former engagements, the marquis de Barbacena has adduced certain diplomatic acts, which his excellency maintains are to be regarded as possessing the character and validity of treaties, and, as such, giving to the emperor Don Pedro an indisputable right to call for his majesty's assistance in conquering the kingdom of Portugal for his daughter. These acts are the result of the conferences at Vienna and in London, in the month of October, 1827, and in the month of January, 1828, before the departure of the Infant Don Miguel for Lisbon. In these conferences, the marquis de Barbacena contends that both his majesty and his imperial majesty the emperor of Austria, virtually entered into some solemn engagement, by which they bound themselves to exact the fulfilment of the promises then made by the Infant.

In proportion as this country is scrupulous in the performance of its engagements, care has been taken to render these engagements definite and precise; it has, moreover, long been the practice to abstain from giving any guarantee, the execution of which is not within our own power, but which may depend upon the good faith, or upon the inclination of others. The undersigned, therefore, cannot think it necessary to occupy much time in the refutation of an assumption so gratuitous, and so entirely unsupported by the real state of the facts, as that which has been thus put forward by the marquis de

Barbacena. His majesty's ambassador at the court of Vienna attended the conferences, by the invitation of the Austrian chancellor of state, and in consequence of the letter addressed to his majesty by the emperor Don Pedro on the 3rd of July, 1827, in which his imperial majesty declared, that he had appointed the Infant Don Miguel to be his lieutenant and regent of the kingdom of Portugal. Had his majesty, indeed, overcome the reluctance of the emperor Don Pedro, and prevailed upon his imperial majesty to confer upon his brother the appointment of regent; and had his majesty given his guarantee for the conduct of his royal highness, and for the performance of his promises, there might have been a claim upon his majesty to see that the engagements then contracted were carried into execution; but, in truth, the ambassador of his majesty entered into no engagement of this description; neither did he take part in any negotiation leading to such a pledge; and although the king had reason to complain of the Infant Don Miguel, for having failed to perform engagements made in the presence of his ambassador, this cause of complaint was founded upon the indignity thus offered to his majesty himself, and not upon the injury done to the emperor Don Pedro.

It is true that in the conferences of Vienna, and subsequently in London, his majesty's ambassador, and the plenipotentiary of his imperial majesty the emperor of Austria, did give an assurance that their respective sovereigns would jointly exert their good offices to prevail upon the emperor Don Pedro, to complete his act of abdication of the throne of Portugal, as well as to send his daughter to

Europe, and by a definitive treaty to regulate the order of succession in the two branches of the house of Braganza. The marquis de Barbacena complains that the emperor, his master, was urged to act in this manner; and more than insinuates that he did so contrary to his own interests, and in compliance with the solicitations of England and Austria. But what is the fact? Undoubtedly the king did advise his imperial majesty to complete the act of abdication of the kingdom of Portugal, and thus to perform an obligation which his imperial majesty himself, as far back as the month of May, 1826, had solemnly contracted before the world. His majesty further advised the emperor to send his daughter to Europe, in accordance with the declaration of his imperial majesty made at the same period. These measures were well calculated to conciliate and to tranquillize the Portuguese nation, by removing the just suspicions of the people, and convincing them that it was not intended to govern them as a colony of Brazil. It is unfortunate that the measures thus advised were not carried into execution previous to the arrival of the Infant at Lisbon. Had this been the case, much of what has since happened, and which is most to be deplored, would probably have been prevented. But the assurance given to Don Miguel, and entered upon the protocol of the conference, to offer to the emperor Don Pedro this advice, does not render his majesty the guarantee of the performance of those promises contained in the letters of Don Miguel, which were laid before the conference, and annexed to the protocol. Neither does the advice

tendered to the emperor upon the propriety of the execution of these important acts, respecting which his imperial majesty had long before spontaneously pledged his royal word, confer any right whatever of claiming from his majesty those succours which are necessary for the conquest of Portugal.

The tone of expostulation and complaint which pervades the note of the marquis de Barbacena, and the impression which it is intended to convey, that the present state of Portugal is in great measure to be attributed to the deference paid by the emperor Don Pedro to the counsels of his allies, render it necessary to take a short review of some events connected with this subject, to the end that Great Britain may be as effectually relieved from the moral responsibility which it is attempted to impose upon her, as from the weight of more formal obligations.

The late king, John 6th, died on the 10th of March, 1826; the intelligence of his death arrived in England on the 23rd of March, and in Brazil on the 26th of April. The emperor Don Pedro immediately assumed to himself the government of Portugal as king, in virtue of his right of succession as the eldest son of his father:—he published a general amnesty, and framed the Constitution, in the preamble to which the three orders of the state were called upon to swear fidelity to it forthwith; and in which it was declared that the kingdom of Portugal should thenceforward be governed according to the conditions laid down in that instrument. The emperor, at the same time, made over the succession of the Crown to his daughter as queen;—appointed his sister, Donna Isabella Maria, regent of

the kingdom; and, in order that no doubt whatever might remain of his intentions, his imperial majesty explicitly declared, in his speech to the Legislative Assembly of Brazil, on the 6th of May, that "he had abdicated and ceded all the indisputable and irrefragable rights which he had possessed to the Crown of the Portuguese monarchy to his daughter the princess Donna Maria da Gloria, queen of Portugal." His imperial majesty despatched sir Charles Stuart from Rio de Janeiro to Lisbon, as the bearer of these instruments on the 11th of May,—thus concluding the whole of this important transaction in fourteen days. It is obvious, from the observation of these dates, that no person possessing any authority from his majesty, with the exception of sir Charles Stuart, could have interfered, even by advice, in the adoption of these measures; and it is not pretended that such advice was ever received from his excellency. The avowed object of the measures of April and May, 1826, was to separate, finally, the kingdoms of Portugal and Brazil,—an event equally desired by both parts of the monarchy. This object was accomplished by the promulgation of the charter, as effectually and as solemnly as it could be by an instrument executed by the sovereign himself. In the proclamation addressed to the Portuguese nation, and dated the 2nd of May, 1826, his imperial majesty declared that his abdication should become complete as soon as the Constitution had been sworn to, and the marriage concluded between the Infant Don Miguel and the queen Donna Maria. The constitution was sworn to as his imperial majesty had directed, upon its recep-

tion in Portugal; and the affiancement of marriage was completed at Vienna, on the 29th of October, 1826.

The undersigned may now be permitted to ask whether the promises of the abdication and of the transmission of the Infant queen to Portugal, were fulfilled. Did not his imperial majesty continue to interfere in all the measures of detail of the Portuguese government? Did he not create peers? promote officers in the army and navy? interfere in the selection and nomination of ministers, and in all the interior arrangements of the kingdom? The Portuguese nation was disappointed in its hope and expectation of a final separation from Brazil; and the disappointment of this hope and expectation was still further confirmed by the detention of their young queen at Rio de Janeiro. In the mean time, the dissatisfaction and discontent, produced by the constitution transmitted from Brazil were daily increasing; and at last broke out into acts of violence and of open rebellion. In this state of things, his imperial majesty, having first ordered his brother, the Infant Don Miguel, to repair from Vienna to Rio de Janeiro, and having sent a ship of the line to Brest for the purpose of conveying him thither, suddenly countermanded these orders, and, unsolicited by his majesty, appointed his royal highness to be his lieutenant in Portugal, and regent of the kingdom. This decision, the undersigned is ready to admit, may have been justly demanded by the distracted condition of the country, and, in point of fact, was subsequently recommended by his majesty. But he must, at the same time, beg to observe to the marquis de Barba-

cena, that from what he has now had the honour to state, it clearly appears that the abdication of the Crown—the composition and grant of the constitutional charter—the promise to send the queen Donna Maria to Portugal—the unfortunate delay in the execution of that promise, as well as the little respect paid to the pledge virtually given by the abdication not to interfere from Brazil in the internal government of Portugal—and finally that the nomination of the Infant Don Miguel as regent, were all acts spontaneously emanating from the emperor Don Pedro himself, which did not originate with the king his master; and for the effects of which his majesty cannot be held responsible.

The undersigned will not conclude without further expressing his regret that the counsels of

Great Britain, when offered, should have been received with so little confidence and alacrity. These counsels have never been adopted by his imperial majesty until the course of events had rendered the choice of any alternative impracticable; nor until, from this reluctance and delay, they had, in a great measure, been deprived of their beneficial influence. In truth it may be affirmed, that so far from Great Britain having been instrumental in the production of the evils which have recently afflicted Portugal, they are mainly to be attributed to the want of a frank, consistent, and direct course of policy on the part of the Brazilian government itself.

The undersigned, &c.

(Signed) ABERDEEN.

The Marquis de Barbacena, &c.

CORRESPONDENCE *regarding the* PORTUGUESE MILITARY REFUGEES *in* GREAT BRITAIN:

THE MARQUIS DE BARBACENA
to THE DUKE OF WELLINGTON.

(Confidential) *London,*
Oct. 15, 1828.

M. le Duc,—A matter of urgent importance had made me resolve to repair this day to Strathfieldsay, in order to speak to your grace respecting it, instead of making it the subject of a written communication; but having learned, in Downing-street, that you were not at your house in the country, and fearing lest your absence may be prolonged for some days, I take the only method which is left to me, seeing that the affair in question cannot admit of the least delay.

The secretary to the government of the Islands of the Azores has just arrived in London, authorised to demand, with the greatest urgency, the immediate despatch of a part of the faithful Portuguese troops, which are now in England, and whose presence in the above-mentioned islands would ensure their defence as well as their tranquillity, under the government of the legitimate sovereign, against the attack with which they are menaced by the illegitimate government established in Portugal.

Your grace will no doubt feel that it is impossible for the servants of the queen to refuse so just and pressing a demand, particularly as the prolonged residence of a con-

tinually increasing number of Portuguese refugees in England entails an enormous expense, and appears to be attended with some inconvenience.

Determined, as I am, to grant the succours which faithful subjects of the queen demand from her, and persuaded that these succours, when once landed at Terceira, will be sufficient to put that island out of danger, I cannot conceal from myself the risks which the transports may run during their voyage if they be not protected by some ships of war.

Such, M. le Duc, is the strong motive which makes me have recourse to your grace, for the purpose of demanding from his Britannic majesty, in the name of the queen, the convoy of a ship of war, to escort from England to a possession which remains subject to the legitimate authority of her most faithful majesty, a part of the loyal troops which are at Plymouth; the succours in question not to be landed at Terceira in the unfortunate event of that island having fallen under the aggression with which it is threatened.

From what is above stated you will see, M. le Duc, that there is no question of a hostile undertaking, but simply of a measure of defence, dictated by the feeling of that strict obligation which is imposed upon every sovereign to protect his subjects.

I therefore venture to hope that the government of his Britannic majesty will not refuse to give the queen this first mark of friendship which she requires from the most faithful friend and ally of her august family; and in this just expectation, I request, M. le Duc, that you will accept the thanks

which I offer you beforehand, in the name of the queen, and the most formal assurances of the very high consideration with which I have the honour to be, &c.,

(Signed)

Le Marquis de BARBACENA.
*His Grace Field Marshal the
Duke of Wellington, &c.*

(*Second Enclosure in No. 37.—
Translation.*)

THE DUKE OF WELLINGTON to
THE MARQUIS DE BARBACENA.

London, October 18, 1828.

Monsieur le Marquis,—I have had the honour to receive your excellency's letter of the 15th.

The Portuguese, who are in England, are here in the quality of individuals. We know of no Portuguese troops in this country. If there be any, they must quit the country without loss of time.

The government has, indeed, much reason to complain of the Portuguese individuals now at Plymouth, who, notwithstanding that they have been received in this country with all the hospitality which was possible, have so much forgotten themselves within the last few days, as to make an attack upon a house where a Portuguese traveller had taken refuge.

I also announce to your excellency, that his majesty's government cannot permit that England should be made an arsenal or a fortress, from whence any one may make war as he thinks proper. If those Portuguese subjects desire to make war at the Azores, instead of doing so in Portugal, of which they had the choice, let them go there as individuals if they please. But I must candidly tell you, Monsieur le Marquis, that it cannot be permitted that individuals,

of whatever character they may be, should prepare warlike expeditions in the ports and arsenals of this country, in order to make attacks upon others.

Still less can it be permitted that they should be convoyed by the navy of his Britannic majesty, to enable them to make these expeditions in safety. I have the honour to be, &c.

(Signed) WELLINGTON,
Duke of Victoria.
The Marquis de Barbacena, &c.

(Third Enclosure A. in No. 37.—
Translation.)

THE DUKE OF WELLINGTON to
THE MARQUIS OF PALMELLA.

London, Nov. 20, 1828.

Monsieur le Marquis,—As his majesty's government do not think it proper that a considerable number of persons who have been officers and soldiers in the service of Portugal should remain at Plymouth, lord Aberdeen requested yesterday of his excellency the Vicomte d'Itabayana, that a distribution should be made of them at a distance from Plymouth, having reason to believe that these persons are paid by his excellency the minister plenipotentiary of the emperor Don Pedro at the court of his majesty.

His excellency replied to lord Aberdeen that these men were not paid by him; but that his excellency made advances to the marquis de Palmella, who gave them their pay in the shape of assistance.

I consider it, therefore, to be my duty, Monsieur le Marquis, to demand that all the Portuguese who have been officers and soldiers of the Portuguese army, or who

have served in the army, for example, as students of Coimbra, or volunteers of Oporto, should be desired to quit Plymouth.

I also announce to you the wish that the officers may be separated from the soldiers, and that they may repair to Exeter, or to wherever they may desire to go as individuals; and that the men may be placed in one of the towns or villages named in the enclosed paper, the number in each town or village not exceeding that which is therein indicated. I have the honour to be, &c.

(Signed) WELLINGTON,
Duke of Victoria.
The Marquis de Palmella, &c.

(Third Enclosure B. in No. 37.)

	Houses.	Population	
Truro	410	2,712	300
Bodmin	523	3,278	400
Launceston	245	2,183	200
Oakhampton	308	1,907	100
Exeter	3,256	23,479	Officers
Brent	116	764	50
Ashburton	396	3,403	250
Chudleigh	384	2,059	250
Tiverton	1,313	8,651	300
Honiton	681	3,296	400
Taunton	1,503	8,534	500
Bridgewater	1,059	6,155	500

(Fourth Enclosure in No. 37.)

THE DUKE OF WELLINGTON to
THE MARQUIS DE PALMELLA.

London, Nov. 27, 1828.

Mons. le Marquis,—In consequence of your informing me that the Portuguese officers and troops now at Plymouth preferred to quit this country, and proceed to Rio Janeiro, rather than remove from Plymouth to the neighbouring towns and villages, as I had desired in the conversation which I had with you on the 20th instant; and as you have expressed a wish that this government should give these Portuguese a guarantee for

their safety from attack on their passage, or send a vessel of war to convoy them, I have to inform you that his majesty's servants will give orders that a convoy shall be prepared to escort the vessels which will carry these Portuguese troops according to the wish expressed by you.

(Signed) WELLINGTON,
The Marquis de Palmella, &c.

(Fifth Enclosure in No. 37.—
Translation.)

THE MARQUIS DE PALMELLA to
THE DUKE OF WELLINGTON.

London, Dec. 3, 1828.

Monsieur le Duc,—I have received the letter which your excellency did me the honour to write to me, dated the 27th ult., to announce to me that the government of his Britannic majesty would take the necessary measures to grant, in consequence of the desire which I had expressed, a convoy, in order to escort the vessels which will transport the Portuguese refugees from Plymouth to Rio de Janeiro, and to guarantee them from the danger of being attacked during the passage.

After having maturely reflected upon the contents of your excellency's letter, I think it my duty, M. le Duc, to beg of you not to give effect to the intention which you have announced to me, and which appears to me, under the existing circumstances, to present more inconvenience than advantage.

The demand which I addressed to your excellency had only for its object to secure to the Portuguese emigrants, who are come freely, and of their own accord, to claim hospitality in this country, the protection of his Britannic majesty,

in case they should have the misfortune to meet, during the voyage which they are under the necessity of undertaking, any vessel of war belonging to the usurping government of Portugal. A simple verbal assurance on the part of the British government seems to me sufficient to secure them from all danger in the case in question. And I think, M. le Duc, that his Britannic majesty could grant the sort of guarantee which I have solicited, on the same principle which gives him the undeniable right to require, that these Portuguese refugees do not set out from England in armed vessels, nor with any plans of aggression against any country not at war with England.

This assurance, which may be justly required from the Portuguese refugees, fully requires, as it appears to me, that a similar assurance should be demanded in their favour, from those who may threaten them with danger, against which these individuals are deprived of the means of defending themselves.

Your excellency will recollect that such was the meaning of my demand, and that the idea of furnishing an escort of the British navy was never suggested by me. At the first moment the objections to which this measure is liable did not present themselves with sufficient clearness to my mind to induce me to point them out to your excellency; but I own, that the more I think of it, the more it seems to me that it would be interpreted, either as a mark of distrust on the part of the British government, or as a proof of the forced expulsion of the Portuguese who had sought an asylum in this country,

For the interest of her majesty the queen of Portugal, it is my duty to endeavour to avoid, as much as depends on me, allowing the departure of the Portuguese, faithful to their legitimate sovereign, to be made a triumph for their enemies, whom I regard, in virtue of the treaties subsisting between the two crowns, as impossible to be considered as friends of the British government; and it is not less my duty to spare those who have sacrificed every thing for the most just of causes, whatever might, in their present situation, wound their feelings.

After having candidly avowed to your excellency the motives which induced me not to accept the escort which the government of his Britannic majesty is willing to offer to my emigrant countrymen, and requesting you to accept on this subject their thanks and mine, I take this opportunity, M. le Duc, to add a few words upon the communication which your excellency addressed to me, at first verbally, and afterwards in writing, in the letter of the 20th November, and which occasions the departure for Brazil of all the Portuguese soldiers who are assembled at Plymouth.

I should have already taken the liberty to represent to your excellency, in writing, the fatal consequences which the resolution adopted by the government of his Britannic majesty will produce to the cause of his most faithful majesty, and I should have done so with the intention of endeavouring to show the inconveniences of it, if your excellency had not from the first moment declared to me that it was unchangeable, and that it would be carried into effect, even

in the event of my refusing to take part in it. This resolution, which consists in distributing among a certain number of towns and places pointed out by the British government, the Portuguese refugees, till now were assembled at Plymouth, and to separate the officers from the soldiers, is too repugnant to the feelings of all those individuals for it to have been possible to induce them to submit to it willingly, and they would all have preferred a total dispersion, and an absolute deprivation, to assistance afforded in such a manner. Under these circumstances, no choice remained to them but that of quitting the country, towards which they had been drawn by the hope of a reception conformable to the interest which their cause inspires here; and in quitting England, Brazil is the only asylum where that same cause gives them the right to be received.

I do not conceal from myself, M. le Duc, that in quitting Europe at this moment, the Portuguese emigrants deliver the usurping party from a fear which was always present to it, and carry despair into the minds of all that are honourable and faithful in Portugal. But, on the other hand, their dispersion in England, in the manner required by the British government, would produce an effect quite as unfavourable; and those persons themselves, when I proposed the alternative to them, did not hesitate as to their choice.

Pray excuse, M. le Duc, the length of this letter. Your excellency will, no doubt, feel that in an affair so important, it became indispensable for me to record, in a permanent form, the observations which I think it my duty to

make; and I conceive that in combining them in one letter, in answer to the two which I have received from your excellency, I shall enable your excellency to take them more easily into consideration. I have the honour to be, &c.,

(Signed)

Le Marquis de PALMELLA.
His Grace the Duke of Wellington, &c.

(Sixth Enclosure in No. 37.)

THE DUKE OF WELLINGTON to
THE MARQUIS DE PALMELLA.

Strathfieldsay, Dec. 3, 1828.

M. le Marquis,—I beg you to be so kind as to let me know when the vessels having on board the Portuguese troops, destined to be sent to the Brazils, will be ready to sail, in order that I may have directions given for the officer commanding his majesty's ships at Plymouth to send convoy with them.

I have the honour to be, &c.

(Signed)

WELLINGTON,
Duque de Victoria.

The Marquis de Palmella, &c.

(Seventh Enclosure in No. 37.—
Translation.)

THE MARQUIS DE PALMELLA to
THE DUKE OF WELLINGTON.

London, Dec. 4, 1828.

Monsieur le Duc,—After having written to your excellency, I received your letter of yesterday, in which you ask me when the vessels destined to convey the Portuguese troops will be ready to depart, in order to give orders for their convoy.

I have already had the honour to explain to your excellency the reasons which lead me to thank you for the offer of convoy. With

regard to the departure of the Portuguese refugees, I am now occupied in making the necessary arrangements, in order that it may take place as soon as possible, and I have already publicly announced it at the dépôt; I cannot, however, as yet name the exact day when the first ships may be able to sail for Brazil. I have the honour to be, &c.,

(Signed)

Le Marquis de PALMELLA.
His Grace the Duke of Wellington.

(Eighth Enclosure in No. 37.)

THE DUKE OF WELLINGTON to
THE MARQUIS DE PALMELLA.

Goodwood, Dec. 8, 1828.

M. le Marquis,—I have had the honour of receiving your letters of the 3rd and 4th instant.

Some time ago one of the Brazilian plenipotentiaries, now in England, wrote me a letter, to desire that convoy might be given to an expedition intended to be sent from this country against the Azores.

In answer I declared my intention not to advise the king to give the requested convoy; and moreover pointed out the impropriety of making this country a camp, an arsenal, or a port of equipment, from which to carry on war.

The king is at peace with the whole world.

There is in existence a commercial treaty between this country and Portugal; but his majesty has no other relation with the government, *de facto*, of Portugal, excepting those arising out of the transactions of his subjects in Portugal, under the stipulations of this treaty. Even if this treaty did not exist, the king could not

permit war to be carried on from his dominions against Portugal by any power whatever, more particularly without his previous permission, and contrary to his declared intentions.

The emperor of Brazil, moreover, has not declared war against Portugal; and the king's servants had, and still have, reason to believe, that however displeased his imperial majesty may be with the conduct of his brother, the Infant Don Miguel, it is not his imperial majesty's intention to make such declaration of war.

Subsequently to the correspondence upon this subject, his majesty's servants received reports, that the number of Portuguese assembled at Plymouth was daily increasing; that although not armed, they and their officers were regularly paid; that there were five transports ready at Plymouth for their conveyance; that other troops, in the service of the emperor of Brazil, were expected at the same port from Germany, and that other levies were under consideration.

Under these circumstances, his majesty's servants, not considering it expedient that a large number of Portuguese officers and troops should be assembled at Plymouth, the secretary of state spoke to the minister plenipotentiary of the emperor of Brazil at this court, upon the subject, who informed lord Aberdeen, that he had nothing to say to those troops; that his excellency supplied money to the Marquis de Palmella, who disposed of it as he thought proper for his countrymen, who were refugees in this country. I then requested you to do me the honour of calling upon me; and in con-

versation with you, it appeared that the whole number of Portuguese refugees assembled at Plymouth were not troops, and had not served in that capacity; but a certain number were officers and troops, or had served, and all received pay from you as troops; and I, as the head of his majesty's government, expressed to the Marquis de Palmella, both verbally and in writing, the desire of his majesty's government, that the Portuguese officers and troops, and those persons who had served as troops, should remove from Plymouth to the neighbouring towns and villages, of which I sent you a list.

I stated at the same time, in answer to a question put by you, the readiness of the government to consent to the departure of any, or all of the refugees from this country, if they should think proper, on condition that they should not go from this country to Portugal, or to any of the dominions or colonies of Portugal, in a hostile character, or without the consent of the existing government of Portugal.

In conversation you desired that I should put in writing my proposition, which you expressed a wish to have time to consider; and after receiving my letter of the 20th of November, you did me the honour of calling upon me again, and told me that the Portuguese refugees were very unwilling to remove from Plymouth to the neighbouring towns and villages, as I had proposed; but that they would quit England, and proceed to the Brazils.

I stated that I had no objection to this arrangement, provided that it was really and *bona fide*

carried into execution; but that the king's government could not allow of any attack or expedition of troops from this country to the dominions or colonies of Portugal.

You then asked me whether I would give them convoy or a guarantee for a safe passage to the Brazils. I answered, that I must consider the subject before I should give an answer.

Having considered the subject, and consulted with my colleagues, I wrote, on the 27th of November, to inform you that convoy would be given; and I again wrote to you, on the 3rd of December, to request you to let me know when the refugees on board would be ready to sail.

In answer to this letter, you have done me the honour of writing to me two letters, to which it has become necessary that I should reply,—first, by recapitulating the outline of what passed with the plenipotentiaries in this country of the emperor of Brazil, and in the interviews with which you honoured me, and of what I stated to you in writing; secondly, by assuring you that his majesty's government are not at all desirous that the Portuguese troops should, on their departure from England, be convoyed by any of his majesty's ships; thirdly, I must make some observations upon the topics which you have thought proper to introduce into your letter.

The king's government consider that the king has a full right to insist upon the departure from Plymouth of a body of officers and troops (although not armed) paid by an individual.

These officers and troops came here not to carry on war; not to assume a menacing position; not

to create disturbance in Portugal; not even to execute any party purpose; but to claim an asylum, and the rights of hospitality, never refused to the unfortunate within the king's dominions.

You advert to the fatal consequences which this order to these troops to quit Plymouth must have to the interests of her most faithful majesty; and you mention their departure from Europe, as relieving the *Partide l' Usurpation* from the fear in which their presence at Plymouth kept them.

Their presence at Plymouth can be considered, as above described, on one of two grounds only. That these troops, as placed at Plymouth, with transports in the harbour, were in a menacing position, in relation to Portugal, or the dominions, or the colonies of Portugal; or that they were actually intended to attack Portugal, or her dominions, or colonies, from his majesty's port and arsenal of Plymouth.

We have the highest authority in this kingdom for saying that these troops are not in the service of the emperor of Brazil, viz. that of his imperial majesty's minister plenipotentiary. We know, moreover, from his imperial majesty's own declarations, that he is not at war with Portugal; but even if these were his imperial majesty's troops, and if his imperial majesty was at war with Portugal, I should wish to be informed what right his imperial majesty or any sovereign, has to assemble his troops within the dominions of the king of England, and to carry on war from the ports and arsenals of those dominions, not only contrary to his majesty's consent, but against his positive prohibition; or to

menace his imperial majesty's enemy, by the assembly of troops and transports in the king of England's ports and arsenals, without the king's consent.

But it is not the emperor of Brazil who takes upon himself such an authority within his majesty's dominions; it is an individual, the marquis de Palmella, who has committed these acts. I am certain that there is no person, excepting that individual, who can blame his majesty's government for what has occurred.

I now come to the consideration of the last part of your letter,—viz. that which relates to the guarantee on the part of the king, of the safety of these troops, on their passage to the Brazils.

You say that you desired a guarantee, and that I proposed a convoy. My recollection of what passed is different. You proposed a convoy, or a guarantee of the safety of the troops from the attack of an enemy on their passage. The fact is so stated in my letter to you of the 27th of November. I desired to have time to consider of the proposition.

Upon considering it, and consulting with my colleagues, we agreed to recommend to the king that a convoy of his majesty's ships should be appointed to attend the vessels conveying the troops in question.

It must not be supposed that we were not sensible that we should be fully justified in declining to give either convoy or guarantee.

The departure of the troops from England is not the act of the king's servants; it is that of the marquis de Palmella. He alone is responsible for all the

inconveniences which the troops will suffer, and the risks which they will incur. The king's servants have done no more than their duty in requiring the removal of the troops from Plymouth.

But it is said that there is no difference in principle between the grant of such a guarantee as is required, and the refusal to allow these troops to quit England as an armament, to make an attack upon the Portuguese dominions.

If the Atlantic was the dominion of the King of England, there might possibly be no difference in principle in the two proceedings; but as that is not the case, the king's servants must have applied to the head of the government of Portugal to execute the guarantee; by which measure they would necessarily have opened a diplomatic communication: or they must have incurred the risk of the loss of the troops embarked, attended by the consequences of avenging the injuries inflicted upon them by hostilities against the Portuguese government; these hostilities would have been so far unjust as growing out of this guarantee. I must add, that the king has no right to guarantee the safety of the navigation of the Atlantic against the enterprises of the government *de facto* of Portugal, to the enemies of that government. It may be doubted, indeed, whether the king would have a right to give convoy to those troops going to the Brazils; but the motive for the action would have been its justification. But I'll go farther, and assert, that there is not only a difference in principle between the measure of preventing the Portuguese troops collected at Plymouth from

invading the Portuguese dominions, and that of giving a guarantee; but that there is a great difference in fact between the measure of giving a guarantee for safe passage, and that of granting a convoy.

When the king's servants grant a convoy, they have it in their power to prescribe the course and proceedings of the vessels placed under its charge, and they are responsible for their safety; but when they give a guarantee for the safety of vessels navigating the Atlantic, whose course and proceedings are ordered by others, the latter may direct those vessels to pursue such course as they please; while his majesty's servants would be responsible for the consequences, not only of those directions, but for those of the conduct of the Portuguese government, in consequence of the course taken.

I have the honour to be, &c.

(Signed) WELLINGTON.

Duque de Victoria.

The Marquis de Palmella, &c.

I have omitted to mention, that since I saw you, I have heard that more troops have been ordered to Plymouth, from France and the Netherlands.

(*Ninth Enclosure in No. 37.*)

THE DUKE OF WELLINGTON to
THE MARQUIS DE PALMELLA.

London, Dec. 12, 1828.

Monsieur Le Marquis,—Since I returned to town yesterday, I have learnt that the troops raised in Germany by the Portuguese or Brazilian ministers residing in this country have arrived here, and I see that general Stubbs is gone to Plymouth to take the command of the dépôt of troops there sta-

tioned, whom he has addressed in a general order.

His majesty's servants have been informed by me of your assurances that these troops are going to the Brazils, and they rely upon them. But I have to inform you, that as your orders may be disobeyed, other authorities may interfere in the disposal of these troops.

The king's servants have thought proper to advise his majesty to give orders that effectual measures may be adopted to prevent any attack upon the Portuguese dominions in Europe by any of these troops.

I have the honour to be, &c.

(Signed) WELLINGTON.

The Marquis de Palmella, &c.

(*Tenth Enclosure, A. in No. 37.—
Translation.*)

THE MARQUIS DE PALMELLA to
THE DUKE OF WELLINGTON.

London, Dec. 20, 1828.

Monsieur le Duc,—In the last interview which I had with your grace, I had the honour to inform you of the determination which had been taken to send direct to Brazil all the Portuguese refugees who are at present at Plymouth, and this determination was founded upon the persuasion, that in quitting England, no other nearer asylum remained open to them.

The communications, however, which I have lately received from the island of Terceira, open a new prospect, and assure me that this island remains tranquil, and entirely under the legitimate government; that her majesty the queen, Donna Maria 2nd, has been proclaimed there by virtue of the abdication of her august father; and that

the expedition which the government *de facto* of Portugal had sent, with the design of invading it, has entirely disappeared from the latitude of the Azores.

Under such circumstances, I cannot doubt that the Portuguese refugees who are about to leave England may direct their course towards the island of Terceira without any infraction of the principle of strict neutrality which it is the desire of his Britannic majesty's government to preserve, and I think it my duty to acquaint your excellency that this measure, in all respects the best adapted to the interests and the situation of the Portuguese emigrants who have remained faithful to their lawful sovereign, is that which they desire to take.

Your excellency will acknowledge that this alteration in the first determination which I announced to you, is really caused by the change of circumstances, as your excellency may see, by the date and tenour of the address of which I have the honour herewith to enclose a copy.

No one can call in question the right of his Britannic majesty to forbid the organization, in his dominions, of a hostile expedition against any country whatever, nor of the respect and consideration which the individuals who have sought refuge in this country from the persecutions which they suffered in their own, owe to the hospitality which has been granted to them.

I can assure your excellency, that neither myself nor my fellow countrymen have ever admitted the idea of abusing that hospitality, or of violating the laws, under the protection of which they have been received.

But I think that, having come to England free, no opposition can be made to their leaving it in the same manner, unarmed, and not for the purpose of committing any act of aggression, or attacking any territory, but in order to direct their course towards a possession of the Crown of Portugal, where their lawful sovereign is recognized, that is to say, to return to their own home.

I have had the honour to receive two letters from your excellency, dated the 8th and 12th of this month, and I will request your permission, Monsieur le Duc, to reply separately to their contents, restricting myself in this one to assuring you, that the reports which have reached your ear, of levies made, either in the name of his majesty the emperor of Brazil, or of her majesty the queen of Portugal, in foreign countries, are totally unfounded, with the single exception that two hundred and sixty Germans have been recruited, as I have already had the honour of informing you, for the purpose of strengthening the garrison of Madeira, and who are at this moment on board a vessel which has touched at Plymouth, but who have received no assistance nor any supplies, either of warlike stores or provisions, in this country. I have the honour to be, &c.

(Signed)

LE MARQUIS DE PALMELLA.
His excellency the Duke of Wellington, &c.

(Tenth Enclosure, B. in No. 31.—
Translation.)

Madam,—To congratulate your majesty on the fortunate voyage which the Almighty ~~would~~ ^{has} granted you for the happiness and

the deliverance of the good and loyal Portuguese, to greet your majesty as the sovereign queen of the great Portuguese family, and to solicit you kindly to accept the sincere offer of the uncorrupted hearts of a number of warriors, who, under a provisional government in this island, defend the indefeasible rights of your majesty, is both our intention and our duty.

The island of Terceira, this small territory of the Azores, is, of the many possessions belonging to the Crown of your majesty, the only one which has had the glory of having resisted the seduction of the mean suggestions of the usurping government, and of not having perjured itself by violating the spontaneous oath taken freely by all Portuguese to the legitimate and great king, the august father of your most faithful majesty.

In vain have the enemies of your majesty and our enemies endeavoured to corrupt our fidelity; but to-day, covered with the royal ægis of your majesty, and determined to enter into no compromise with them, nothing but the death of the last of us shall be capable of opening a passage to them, for the completion of their triumph.

Deign, therefore, madam, to credit, and benigantly to receive these our sentiments, which are equally loyal and true.

God guard and prosper the life of your most faithful majesty: this is our wish, and is most needful to us. (Signed)

DIOCHEIANS LEAO CABREIRA.
JOAO JOZE DA CUNHA FERROZ.
JOZE ANTONIO DA SILVA TORRES
ALEX. MARTINS PAMPLONA.
PEDRO H. DA COSTA NOVONHA.
THEOTONIO ORINELLAS BURGIS.
AVILA NERONHA.

Angra, Dec. 6, 1828.

(*Eleventh Enclosure in No. 37.*)

THE DUKE OF WELLINGTON to
THE MARQUIS DE PALMELLA.

London, Dec. 23, 1828.

Monsieur Le Marquis,—I have had the honour of receiving your letter of the 20th inst., and the enclosure, being an address from certain inhabitants of Terceira to the queen Donna Maria da Gloria, in consequence of the receipt of which you have desired to send the Portuguese troops now at Plymouth to the island of Terceira.

On the 19th of November I conveyed to you the desire of his majesty's government that the Portuguese troops assembled at Plymouth should be dispersed in the neighbouring towns and villages.

You informed me, some days afterwards, that they preferred to quit England and go to the Brazils, and I have since informed you that his majesty's government could not allow these troops to proceed from England in a hostile character to Portugal, or to the Portuguese dominions or colonies.

These are the same troops whom his excellency the Marquis of Barbacena heretofore expressed a desire to send, as an expedition, to the Azores, under convoy of a detachment of his majesty's fleet; they are the same respecting whose separation from Plymouth you expressed such lively regret in your letter to me of the 3rd inst., on account of the relief from apprehension which such departure would give to the *parti de l'usurpation*.

They are those foreign troops of whom, as a dépôt at Plymouth, general Stubbs has taken the command, and to whom he has

addressed a general order, and has published it in the newspapers, notwithstanding that it is known to you and to general Stubbs that they are at Plymouth contrary to his majesty's wishes; that his majesty's orders have been conveyed to you to separate them from that town; and that their presence there, as a body of troops, is inconsistent with the law of England.

But this is not all. On the 15th of August last his excellency the Vicomte d'Itabayana, his imperial majesty the emperor of Brazil's plenipotentiary at this Court, applied to the secretary of state for permission to embark 1,180 stand of arms, and 150 barrels of gunpowder, on board the Brazilian frigate *Isabel*.

Lord Aberdeen, in his reply, in which he consented to the embarkation of these stores, expressed his confidence that the vicomte d'Itabayana would give an assurance that these arms and stores were not intended to be employed in the civil dissensions in Portugal and its dependencies, as it would be impossible for the British government to permit, either the subjects of his imperial majesty the emperor of Brazil, or those of the queen Donna Maria, to carry on war from this country. That these acts of private warfare were forbidden by the laws of the land, and could not therefore be sanctioned by his majesty.

His excellency the vicomte d'Itabayana answered—“*Quant à la première partie de cette note,*” (of which the substance precedes this sentence :) “*je ne balancerai pas, mi Lord, à vous donner une réponse claire et précise en vous assurant que le Brésil qui est en paix avec le Portugal malgré le*

bouleversement déplorable qui vient d'y avoir lieu compatit sincèrement aux malheurs de ce royaume, et n'a eu, jusqu'à ce jour l'intention de l'attaquer.”

Notwithstanding this clear and precise answer, the arms and ammunition were sent in the *Isabel* Brazilian frigate, to the Azores, where that frigate was actively employed at a late period.

I mention this fact just to point out to you that these troops, so collected and remaining in his majesty's town of Plymouth, as a dépôt, commanded by general Stubbs, notwithstanding his majesty's wishes and commands to the contrary, repeatedly expressed to you, have their arms and ammunition already in Terceira, even if you should not think it proper to purchase in England, and to send with them other arms.

I will not conceal from you my opinion that the asylum given to these Portuguese refugees, and the hospitality afforded to them in this country, have been improperly taken advantage of, and that these troops are still availing themselves improperly of the kindness and forbearance of his majesty, by remaining at Plymouth, as a military body, contrary to his majesty's wishes and intentions.

You have been sufficiently long in this country to know that his majesty's course is always clear, open, and undisguised.

When he professes neutrality, he will not permit that his dominions should be used as the arsenal, the camp, the port of equipment, for carrying on war by any sovereign or individual.

The circumstances noticed in this letter describe too accurately the character of this proposed

voyage to the island of Terceira, for his majesty's government to allow his majesty to be deceived as to its real intentions. I therefore remind you, that above a month has now elapsed since I desired, in the name of his majesty's government, that the Portuguese officers and troops should be removed from Plymouth; and I again announce to you that his majesty's government have taken measures to prevent these troops from proceeding, in a hostile character, from England to any part of the dominions or colonies of Portugal, which measures they do not intend to advise his majesty to countermand.

I have the honour to be, &c.

(Signed) WELLINGTON.

The Marquis de Palmella, &c.

(Twelfth Enclosure in No. 37.—Translation.)

THE MARQUIS DE PALMELLA to
THE DUKE OF WELLINGTON.

London, Dec. 28, 1828.

M. le Duc,—I have received the letter which your excellency did me the honour of writing to me, dated 23rd of this month.

This letter contains, first, a recapitulation of some of the communications which have passed between your excellency and the plenipotentiaries of Brazil, and afterwards between you and myself, upon the subject of the Portuguese refugees, who are at Plymouth. Secondly, the opinion put forth by your excellency, of the abuse which has been made of the hospitality granted to these refugees in England. Thirdly, complaints of the delay in carrying into execution the orders of his Britannic majesty, relating to these refugees. And, lastly, the

declaration, that the measures which have been taken for preventing the above-mentioned individuals from proceeding directly from England, with a hostile character, towards any point whatever of the territory or the colonies of Portugal, will not be countermanded.

Before submitting to your excellency the observations which it is my duty to make upon the contents of your last letter, and before replying to the principal allegations brought forward in those of the 8th and 12th instant, the receipt of which I have already had the honour of acknowledging, I proceed, Mons. le Duc, to state first, clearly, the principal and practical question in point at the present moment, and which appears to me to be extremely simple. I had hoped that you would have taken into consideration the distinction I had drawn in my letter of the 20th of this month, namely, the essential difference which exists between the intention entertained by the Portuguese refugees of proceeding to the island of Terceira, and that which you attribute to them, of going to attack some part of the Portuguese territory. I do not find, however, in your excellency's answer, a single word relative to this distinction, although it appears to me evident.

The document of which I had the honour of transmitting to you a copy in my last letter, is not subscribed, as your excellency supposes, simply with the signatures of some of the inhabitants of the island of Terceira; it is a formal address, signed by the members of the government of that island—a government of

right, since it is authorized by the legitimate sovereign of Portugal, —and a government in fact, since it is acknowledged and obeyed as such in the whole island; and it was for the purpose of furnishing your excellency with the proof of this, and to show that the Portuguese refugees were not going to commit any aggression in proceeding to Terceira, that I thought it my duty to communicate this document to you.

At the commencement of the present year the rights of queen Doana Maria 2nd were established and sanctified in all the possession of the Portuguese monarchy, and recognized, as they still are, by all foreign governments. An usurpation, which has been stigmatized as such by his Britannic majesty, as well as by the other sovereigns of Europe, has, since that time, temporarily deprived her most faithful majesty of the greater part of her dominions. The island of Terceira has, however, remained subject to her—that is to say, it has remained in the same political situation in which it was previously to the revolt in Portugal; and it is difficult to comprehend, when Portuguese, devoted to the cause of their legitimate sovereign, propose to go to that island, how their departure can be considered as a hostile expedition, or how, even putting aside entirely the justice of their cause, and the interest with which, without doubt, it inspires his Britannic majesty, their undertaking can be opposed, at least without violating the neutrality which the cabinet of his Britannic majesty declares it to be their wish strictly to preserve.

Your excellency observes, that

his Britannic majesty cannot permit his dominions to be made an arsenal, a camp, a port of equipment, for the warlike preparations of any other sovereign or individual whatever; but neither can it be wished that the asylum afforded in his dominions should be made to resemble a prison, which it is only permitted to leave upon giving parole no longer to bear arms.

All the arguments which your excellency employs to prove that the refugees form a body of troops, and that their intention of going to Terceira is to render themselves useful in defence of the cause which they have embraced, do not appear to me to be conclusive in the present case, because, even admitting the supposition of the project which your excellency points out, it does not thence follow that the government of his Britannic majesty, if it remain neuter, has the right to oppose it.

In order to make the principle which your excellency lays down applicable to the present case, it would be necessary, as it seems to me, that those individuals should have come to England to arm and organise themselves, and that they should have taken their departure, fully equipped, for the purpose of immediately waging war elsewhere. And it appears to me, that the right of “surveillance” which a neutral government can lawfully exercise in such circumstances, is limited to taking care (*à vérifier*) that foreigners to whom it has granted hospitality should not carry away either arms or munitions of war, and that they should not direct their course towards any other country, into which they could only enter in a hostile manner. All control which should

extend beyond these two objects would appear to me an infraction upon the individual liberty of foreigners, which but ill accords with the impartial attitude of a neutral government.

Applying these reflections to the present case, I have the honour to assure your excellency, that the Portuguese refugees leave this country as they arrived in it, that is, without arms, as may be satisfactorily proved at Plymouth, and that they will leave it, not altogether, but at successive intervals, and according as the transports which are to carry them shall be ready, and with the intention of going to the island of Terceira, where they have the assurance of being received by the authorities which are faithful to her majesty Donna Maria 2nd, as fellow countrymen, and as friends.

I venture to hope that, according to the very terms of your excellency's letter, the measures taken to prevent the landing, on any part of the Portuguese territory, of an expedition bearing an hostile character, cannot be applied in the present case. I cannot, M. le Duc, after having shown you the principal considerations which have offered themselves to my mind, on the resolution which your excellency communicated to me in your last letter, resist saying a few words on the principal allegations contained in that letter, at the risk of repeating, to a certain degree, the opinions which I have already expressed.

Your excellency observes, 1st—that the troops which are now about to leave Plymouth are the very troops for which the marquis of Barbacena solicited, some months ago, a convoy of the Bri-

tish navy. 2ndly, that they are the same troops, on the subject of whose departure I expressed so much regret in my letter of the 3rd instant. 3rdly, that they are the troops of whom general Stubbs took the command, and to whom he addressed an order, which has been published in the newspapers. 4thly, that arms and munitions having been landed by the Brazilian frigate at the island of Terceira, these troops will have the means of arming themselves on their arrival. 5thly, your excellency repeats several times, and in different ways, that the continuance of these troops at Plymouth is an act of disobedience to the orders of his Britannic majesty, and your excellency adds, that in your opinion, an abuse of the hospitality which was granted to them in this country has been committed. 6thly and lastly, your excellency, in conclusion, thinks proper to remind me that more than a month has passed since his majesty's order was signified for the departure of the Portuguese officers and soldiers from Plymouth.

With regard to the first point, the application addressed to your excellency by the marquis de Barbacena had for its object the guarantee of the Portuguese refugees from the danger they might incur in meeting with Portuguese ships of war, during their passage by sea, from England to the Azores. This request was refused, as it was undoubtedly the right of the British government to do; but the request which I address to your excellency this day is of a totally different nature; it is no longer a convoy, in order to escape the danger to which they voluntarily expose themselves, which is

solicited, but merely an assurance, not that they may be protected, but that they may not be detained by the ships of war of his Britannic majesty in their passage from England to the island of Terceira.

With respect to the 2nd—in explaining to your excellency, in my letter of the 8th instant, the sad consequences which might result from the departure of the Portuguese emigrants, I spoke a truth, which appears to me evident, and which the partizans of the actual *de facto* government of Portugal repeat with triumph, since the knowledge of it has become public. Your excellency, in your letter of the 8th instant, mentions, that the resolution taken by the Portuguese to leave England, is a voluntary act on their part; but I will take the liberty to remind your excellency, that there remained for them only the choice between this determination, or that of submitting to reside in stated numbers, at places selected for that purpose, the officers separated from the soldiers; and this treatment, which is generally reserved for prisoners of war, would have produced as bad an effect as their departure, by tending to attach credit to the erroneous opinion, on the subject of the disposition of the British cabinet with regard to the affairs of Portugal.

I might, therefore, I think, with reason, express regret at the motive which occasioned the departure of the Portuguese refugees, and I have never taken the liberty, in addressing your excellency, to find fault, of which your excellency unjustly accuses me in one of your letters, with the determinations of your government.

3rdly. I know not what importance your excellency attaches to the circumstance repeated in your two last letters, of general Stubbs having taken the command of the Portuguese dépôt at Plymouth. This circumstance appears to me quite unimportant; and I can even assure your excellency, that general Stubbs is not among those who are about to leave England, and that he has only lately taken the direction of the dépôt, because M. Cândido Jozé Xavier, who was there before him, is unwell.

The order of the day, which your excellency mentions, was published in the newspapers, as were other similar orders, addressed, some months before, to the Portuguese refugees. Your excellency well knows, that it is impossible in this country to prevent the public papers from seizing upon every thing which can directly or indirectly excite the least interest. Besides, the said order of the day, as your excellency might have seen, had merely for its object the taking the necessary measures to prepare for the speedy dissolution of the dépôt.

4thly. It does not belong to me to examine the communications which have taken place between lord Aberdeen and the viscount d'Itabayana; but all that I have to say is, that if there is not in the island of Terceira an arsenal sufficiently furnished with arms and ammunition, I should conceive it to be my duty, and for the interest of her majesty, the queen Donna Maria 2nd, to take the necessary measures for providing them as soon as possible; and I am persuaded that, once landed on the Portuguese possessions, the refugees, who are at

present in England, have no longer to answer for their conduct to any authority but that of their lawful sovereign.

5thly. Your excellency addresses to me a reproach, which I do not deserve, on the subject of the delay which has taken place in the departure of the Portuguese refugees. Your excellency knows that I considered the order to disperse them, and to separate the officers from the soldiers, as a condition attached to their remaining in England; and, forced to choose between this condition and their departure from England, I have announced to your excellency that they have decided to go. Your excellency agreed to this decision, without, however, fixing any stated time, and should you even have fixed it, the determination must have depended upon the elements, and your excellency is aware that for the last month contrary winds for the sailing of vessels bound to the south have scarcely ceased to blow. Your excellency is also aware that active preparations are going on at Plymouth, for the departure of four transports, carrying 600 men, and that they will be followed by others in succession.

Your excellency may be persuaded that so soon as this departure became necessary, no one desired more than I did, to hasten the moment of it. But with the limited means which are at my disposal, it would have been impossible to use more activity than has been used in these preparations. I have reason to think that, at this very moment that I have the honour of addressing you, some of those vessels are already at sea. I must be permitted, after what I have stated,

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to reject the accusation which your excellency brings against me, and to assure you that the forbearance of the government of his Britannic majesty has not been intentionally abused, and that that forbearance will soon have ceased to be necessary.

6thly. I think I have replied to the sixth allegation, at the same time with the preceding one, and I fear that I should be encroaching upon your excellency's time were I still to lengthen this letter by referring to every point contained in your excellency's of the 8th and 12th instant. I shall content myself with adding, in a few words, that the assembling of the Portuguese refugees at Plymouth was not premeditated, but, on the contrary, was the consequence of the successive emigration of military men, as well as of those of every other class (for a third of those who are at Plymouth have never carried arms)—an emigration which still continues in consequence of the system of persecution adopted in Portugal, with which those who are the victims cannot certainly be reproached. The assembling of these emigrants, who arrived by degrees at Plymouth, offered the advantage of providing means for their subsistence with greater economy, and of being able, at the same time, to watch over the conduct of so many individuals of all classes of society.

I am happy in being able to assure your excellency that there has not been, up to this moment, amongst the Portuguese emigrants in England, a single person who has been guilty of any infraction of the laws of nations. Up to the 19th of last month, I had no

reason to suppose that the residence of those individuals at Plymouth was contrary to the wish of the government of his Britannic majesty. As soon as I knew it, I hastened to take measures for their departure, and I hope that it has already taken place, at the moment I am writing.

I thought, in the first place, that there remained no other asylum for them than Brazil, and I have the honour to announce to your excellency, that that was their destination.

The news received from the island of Terceira induced me, by the unanimous desire of all the individuals whom it concerned, to change this first place. I had, in my last interview with your excellency, expressed a desire to obtain from the government of his Britannic majesty a guarantee, in case they should meet on the voyage any men-of-war belonging to the government, *de facto*, of Portugal. Your excellency believed that I asked you for an escort. I can, however, assure you that such was not my intention; although it is possible that I may have badly expressed myself, and I thought it my duty to declare to your excellency the motives which prevented me from accepting an escort, which you were willing to grant me.

I also think that individuals found without arms on board English ships, or those of any other neutral nation, will be always, and on all occasions, under the protection of the law of nations, and I only here observe, in answer to an objection that I find in one of your excellency's letters, that the guarantee which I asked for from the British go-

vernment, would have bound it to nothing, in case that the Portuguese emigrants should be guilty of a breach of faith, and follow a different course from that which they announced.

In your letter of the 8th December, your excellency takes the trouble to point out that the Portuguese refugees, officers, and soldiers, who are in England, are not in the service of his majesty the emperor of Brazil, and that moreover that sovereign is not at war with the government of Portugal, and that even if he were, no foreign sovereign has the right to assemble troops in the dominions of his Britannic majesty, nor to make use of his ports, and his arsenals, to carry war into foreign countries. Your excellency adds "that it is not a sovereign, but a private individual, the marquis of Palmella, who has committed those acts!"

My answer to this last accusation has been already given in this letter; I have committed no acts for which I need blame myself. The assemblage at Plymouth appeared to me innocent, so long as the pleasure of his Britannic majesty had not been signified to me. As for hostile acts, they never took place; the projects that are attributed to me have not the least foundation, and I do not think myself obliged to defend any thing but my own acts. As for the capacity in which I act, and which your excellency considers as that of a private individual, I think this a secondary consideration, as compared with the great interests which are in question, and as scarcely worth being at this time formally discussed. It is possi-

ble that the character with which I had the honour to be invested may be cancelled, diplomatically speaking, by the changes which have taken place since the usurpation of the Crown of Portugal; and I shall by no means seek to change the opinion which the government of his Britannic majesty has formed upon that subject, although that opinion be not adopted by the other cabinets of Europe, particularly by that of Vienna.

But it is equally certain that the wish shown by the august father of her majesty the queen of Portugal, to renew my appointment, sufficiently prove that I enjoy the confidence of the only natural protector that an extraordinary combination of circumstances has left to the young queen of Portugal; that I act in the name and for the service of that sovereign, with the acquiescence, and according to the wishes of all the subjects who have remained faithful to her; and that unless it is maintained, which I cannot suppose any one could do in earnest, that the interests of the queen Donna Maria 2nd cannot, and ought not to be defended by any one, it is to me, and I speak it without disguise, that belongs, from the nature of the circumstances, the honour of fulfilling this sacred duty.

I again beg that you will excuse, M. le Duc, the length of this letter, and I have the honour to be, &c.

(Signed)

LE MARQUIS DE PALMELLA.
His Excellency the Duke of Wellington, &c.

THE DUKE OF WELLINGTON to
THE MARQUIS DE PALMELLA.

Apthorpe, Dec. 30, 1828.

Monsieur le Marquis,—I had the honour of receiving, this morning, your letter of the 28th inst., to which I do not hesitate to send an answer from hence, as nothing contained in it can have any effect in altering the decision of his majesty's government.

The troops collected at Plymouth are those referred to by the marquis de Barbacena, in his application to me of the 15th October last. They are the same troops whom I requested you, on the 19th November last, to remove from Plymouth to the neighbouring towns and villages.

We know, that there are arms for them at Terceira.

The Azores are part of the dominions of Portugal, and we know that a civil war is now carried on in those islands, particularly in that very island of Terceira. His majesty is neutral in that contest, and he cannot permit a body of troops, respecting whom he thought proper to give orders that they should remove from Plymouth, to go to Terceira, from any port in his dominions. There can be no doubt in the mind of any man, who is acquainted with the circumstances, of the object in view, in sending these troops to Terceira, and I repeat to you, Monsieur le marquis, that they will not be allowed to land there.

I might here close this letter, if there were not some points in your's to which it is necessary that I should advert.

You say that his majesty has no right to treat these troops as prisoners, and to send them, se-

parated from their officers, to such towns as he may think proper.

We do not pretend to treat them as prisoners; and I confess that I am astonished that two years should have effaced from your recollection the discussions and transactions with Spain, of which you were informed, respecting a similar body of Portuguese troops, not prisoners. If my memory does not fail me, his majesty's government then insisted, that the king of Spain should not only separate officers from soldiers, placing a certain number of the latter only in the same town, but that the whole should be removed far into the interior of the country, and that a detachment of his majesty's troops was sent to Portugal, because the king of Spain had not performed the duties of neutrality, as was required from his Catholic majesty, and had suffered the Portuguese troops, in Spain, to commit the very act which I have repeatedly assured you that the king of England will not permit those in England to commit.

But you forget, likewise, that these are undeniably a body of foreign troops in England, respecting whom we are corresponding, and instead of treating them as prisoners, I should say, that his majesty's servants have done very little in requiring that they should quit Plymouth, and be separated from their officers; the latter to go to Exeter, or where they pleased, as individuals, the former to different towns named, not in specified numbers, as you state, but in numbers not exceeding certain specified numbers, in each town. This was proposed for their convenience as well as for that of the towns named.

I was charged with this discussion with you, because Monsieur le vicomte d'Itabayana informed lord Aberdeen that it was the marquis de Palmella who paid these troops. That gentleman has no political character in this country. I undertook this disagreeable office, in order to avoid giving this discussion any official form. But the case is the same, whatever be the form given to the discussion, and I earnestly entreat you to put an end to it, by removing the troops immediately from Plymouth, according to my suggestion of 19th November, if you do not think proper to send them to the Brazils.

In making this entreaty, I do so in the true spirit of a friend; and I must add, that you render but little, if any, service to the cause of the queen Donna Maria da Gloria, in obliging the king to resort to the measures which have been ordered, in case of any breach of his majesty's neutrality, and that you impose upon me personally, a most painful duty in obliging me to inform you, that you will be responsible for all the consequences which will follow your omission to obey his majesty's commands, as conveyed to you by me.

I confess that I am astonished that you, who have so long served your country in a diplomatic situation in this, should not see that it is impossible that this government should not insist upon the adoption of the measure which I required should be adopted, on the 19th November, or its substitute, as proposed by yourself.

I have the honour, &c.

(Signed) WELLINGTON,

Duque de Victoria

The Marquis de Palmella.

(*Fourteenth Enclosure in No. 37.
Translation.*)

THE MARQUIS DE PALMELLA to
THE DUKE OF WELLINGTON.

London, January 2, 1829.

Monsieur le Duc,—I had the honour to receive, the day before yesterday, in the evening, your letter of the 30th of last month, and I will confess to your excellency that the determination which it announces gives me great pain.

Your excellency again insists upon the necessity of removing immediately to a distance from Plymouth, the Portuguese troops which are there assembled. I flatter myself that at the moment at which I write, four transports, with persons on board, which for the last fortnight have been ready to take their departure with the first fair wind, will have set sail.

I am engaged in preparing, with all the haste possible, those which are to follow; and I can assure your excellency, that, from the moment when I declared to you that these individuals should go away, sooner than accept the conditions which the British government required for the continuance of their residence in England,—that is to say, to be dispersed on different points, indicated by your excellency, and the officers to be separated from the soldiers,—from that moment, I say, the preparations for their departure have been carried on without intermission.

Your excellency must have been informed of these preparations, as well as of the impossibility of the vessels quitting Plymouth, on account of the continuance of contrary winds,—an obstacle which neither the orders of the British government, nor all the goodwill

on my part, can enable them to surmount.

The change of weather which has taken place since yesterday, induces me to believe that it will be too late to send them fresh orders; besides, M. le Duc, I am firmly convinced that these individuals, in directing their course to the island of Terceira, do no more than avail themselves of the right which it is impossible to deny them without injustice, and that, far from violating the neutrality of his Britannic majesty, they respect it as they ought, in quitting, without arms, and on board merchant vessels, the territory of his Britannic majesty, in order to proceed to an island, of which her majesty, the queen of Portugal, is sovereign *de facto* as well as *de jure*.

The last intelligence which I have received from Terceira is of the 18th December, and at that time there was no civil war in that island, as your excellency supposes, and it was entirely under the dominion of the government which governs it in the name of her majesty the queen, Maria 2nd.

The British government may certainly object to the subjects of a sovereign, the friend and ally of his Britannic majesty, going to any territory belonging *de jure* to that sovereign, but which may *de facto* be under the dominion of a government which I consider as an usurping government; but it appears to me evident that the government of his Britannic majesty cannot, without deviating from the neutrality which it professes, prevent them from returning to the country which remains theirs, after having refused them permission to remain

in England, without being dispersed. And certainly the acknowledgment of the title and rights of her most faithful majesty is of very little value, if the same power which acknowledges them prevents her from sending her subjects to a country which remains under her dominion, but which may stand in need of them for its defence.

Your excellency recalls to me what took place two years ago, with respect to the Portuguese rebels, whom his Catholic majesty, at the demand of the governments of Portugal and England, dispersed on points at a distance from the frontier of Portugal.

I cannot conceive that the two cases can appear to you parallel. The individuals in question had made inroads, at different times, by force of arms, into Portugal: they had been protected, armed, and organized in Spain. The Spanish government itself (and if I am not mistaken, your excellency made mention of this circumstance in parliament) had disposed these troops in a way to menace Portugal with an attack; and therefore the assistance of British troops, which I was ordered by my government to solicit, was conformable to the treaties upon which I founded my claim; and the Spanish government had not only been guilty of a breach of neutrality, but had menaced Portugal with an attack, and had given just cause of war.

Therefore the demand which was subsequently addressed to the Court of Madrid was justified by the acts already committed, and became necessarily a guarantee against their repetition.

How, then, can it be possible to

cite such a precedent, in order to apply it to the actual case, where there has been, on the part of the Portuguese, no abuse of the asylum which has been granted to them in England, nor any act which can be imputed to them as a violation of the neutrality of the country? And how can the British government believe itself obliged to prevent her most Faithful majesty from sending some of her own troops, which happen to be in a neutral country, to a part of her dominions where she is actually acknowledged, and obeyed as legitimate sovereign?

In addressing these observations to your excellency, I only acquit myself, with regret, of a last and painful duty, so much the more necessary, as your excellency attributes to me a responsibility which I think ought not to fall upon me.

I will conclude, by announcing to your excellency, that I will transmit a copy of this letter to his excellency the marquis de Barbacena, who, in his capacity of plenipotentiary and delegate of the august father and guardian of her majesty the queen of Portugal, finds it, I believe, to be his duty to correspond officially with the government of his Britannic majesty, on the interests of her most Faithful majesty. I have, &c.

(Signed)

LE MARQUIS DE PALMELLA.
*His Excellency the
Duke of Wellington, &c.*

No. XXXVIII. *Instructions to
CAPTAIN. WALPOLE, Dec. 12,
1828.—By the Commissioners,
&c.*

Whereas, a considerable number of Portuguese soldiers and

other foreigners are about to sail in transports from Plymouth or Falmouth, and it is supposed they intend making an attack on Terceira, or other of the western islands; and his majesty having been pleased to command that a naval force should be immediately despatched to interrupt any such attempt, you are hereby required and directed to take the ship and sloop named in the margin under your command, and to proceed, with all practicable expedition, to Terceira; and, having ascertained that you have succeeded in reaching that island before the transports above alluded to, you will remain yourself at Angra, or Praya, or cruising close to the island, in the most advisable position for intercepting any vessels arriving off it; and you will detach the other ships as you shall deem best for preventing the aforesaid force from reaching any of the other islands.

In the event of the aforesaid foreign force approaching Terceira, or any of the other islands, you are to cause whoever may be in command of it to be informed that you are instructed to prevent their landing at any of the western islands; and, should they persist, notwithstanding such warning, in hovering about, or in making any efforts to effect a landing, you are then to use force to drive them away from that neighbourhood; and you will, in such case, keep sight of them until you shall be convinced, by the course they may steer, and the distance they have proceeded, that they have no intention of returning to the western islands, or of proceeding to Madeira. You will, however, in this event, leave one of the ships

under your orders at the western islands, to act again, with regard to the said foreigners, as before directed, in the event of their parting from you at sea, and returning, or in the event of other detachments of a similar description, from England, afterwards making their appearance amongst the said islands.

In the event of the foreigners in question proceeding towards Madeira (after your turning them from the western islands), you are to pursue the same conduct towards them, in first warning them against making any hostile effort there, and afterwards, if necessary, in using force to prevent it, as before directed with regard to the western islands.

In case of your proceeding, as above directed, to follow the force in question, or any part of it, until you are satisfied that they do not intend to return to the western islands, or to attempt Madeira, you are, after quitting such force, to return to the western islands, to rejoin the ship you will have left there, and to assist her in securing the remaining objects before explained.

And you are to continue on this service until you receive further orders. — Given, &c. 12th of December, 1828.

(Signed) G. COCKBURN.
G. CLERK.

Benjamin Clement, Esq.
Captain of his Majesty's Ship
Shannon.

(Transferred to the Captain of
His Majesty's Ship Ranger,)
By command of their lordships.
(Signed) J. W. CROKER

STATEMENT as to the FINANCIAL OPERATIONS of SPAIN.

The *Journal du Commerce* published the annexed article respecting the financial situation of the Spanish Government in the money-market at Paris.

	Francs.
" Negotiation of the royal loan, consisting of a nominal capital of 90,180,000 francs, which have yielded to the Spanish government about	42,000,000
" Negotiation of 136,782,000 francs rente perpetuelle, which, at the rate of 38 per cent., have yielded to the same government	52,000,000
	<hr/> 94,000,000
" To deduct 15,000,000 of rentes unsold and in the hands of the government's banker, or its agents, at the same rate of 38 per cent.	5,700,000
	<hr/> 88,300,000

" This sum has been employed in the following manner :—

" Five series of the Royal loan have been reimbursed at 4,500,000 francs each	22,500,000
" Arrears of four years	15,000,000
	<hr/> 37,500,000
" Arrears of the produce of the rente perpetuelle, to the 1st of July 1829	9,000,000
" Paid for English claims, in virtue of the treaty of the 28th of October 1828, 200,000l.	10,100,000
" Paid to the French government on the 1st of last July	2,000,000
" Redemption of the rente perpetuelle to the 1st of September (see the <i>Moniteur</i>) of the 3rd.	2,400,000
" Salaries paid to all the Spanish embassies by the banker of his Catholic majesty at Paris since 1824	4,000,000
" It appears that on the 1st of last September, the English claimants received for arrears on the 600,000l. of rentes given them in payment	750,000
	<hr/> 65,750,000
	<hr/> 22,550,000
" Note—Mr. Guebard has remitted direct to the Spanish government, on the produce of the negotiation of 61,792,137 francs of the royal loan, which he effected in cash, deducting 5,840,000 (35 per cent.), which he kept as commission, &c., for which receipt was duly given him by Mr. Burgos	10,952,137
	<hr/> 11,597,863

which have been remitted to Spain by the banker of the Spanish government.

" It is, in fact, notorious to the whole commercial public of Paris, that important remittances of paper on Spain were made for a long time; the rate of exchange of that period has proved the fact. There remains at the disposal of the agents of the Spanish government, to meet the exigencies of the half-year ending in January, the negotiation of 15,000,000 francs of unsold rente perpetuelle, which, at the stated rate would yield to the Spanish government 5,700,000 francs.

" With regard to the profits accruing to the agents of the Spanish government on the negotiation, of 48 per cent. on the royal loan, and 38 per cent. on the rentes perpetuelles, altogether amounting to about 15,000,000 on the former, and 12,000,000 on the latter, which the purchasers of these securities have supplied, not including the immense advantages derived from stock-jobbing speculations, which have also been obtained at the expense of the French, it is not difficult to guess their destination.

"The situation in which the Spanish Treasury has been placed by these operations may be stated in the following manner :

"The Spanish Treasury has received these sums :

	Francs.
"Remittances from the Government's banker	11,597,863
"Remittances from Mr. Guebbard	10,952,137
"Paid to British Claimants	10,850,000
"Paid to the Spanish Embassies	4,000,000
"Paid to the French Government	2,000,000
	<hr/> 39,400,000

"for which sum of 39,400,000 francs, Spain is still debtor, in--

" 67,000,000 bonds of the Royal loan.

" 132,017,040 rentes perpetuelles, after deduction of sinking fund.

" 199,017,040

"The issue of the rentes perpetuelles was authorised by M. Roy, the Minister of Finance, and fixed at the sum of 135,782,000 francs, which it was expressly forbidden to exceed.

"The statement of the engagements which the Spanish government will have to meet abroad, from this to the 1st of July, 1830, also deserves notice :

"Arrears of the rentes perpetuelles	6,839,100
"Ditto of the Royal loan	3,381,750
"Ditto due on English claims, amounting to 400,000<i>l.</i> on the 1st of March next.	750,000
"Reimbursement of the sixth series of the loan	4,509,000
"Annuity to the French Government	4,000,000
"Ditto to the English claimants, in virtue of the treaty of the 28th of October, 1828, payable next month in 200,000<i>l.</i>	5,040,000
"The sinking-fund to the 1st of July, will amount to	1,000,000
	<hr/> 25,519,850

RUSSIAN MANIFESTO.

"By the Grace of God, We, Nicholas the First, Emperor and Autocrat of all the Russias, &c.

"Thanks to the Decrees of Divine Providence, the treaty of perpetual peace between Russia and the Ottoman Porte was concluded, and signed at Adrianople, on the 2nd (14) September, by the respective plenipotentiaries of the two empires.

"The whole world is sufficiently acquainted with the irresistible necessity which alone could force us to have recourse to arms. In this legitimate war, undertaken for the defence of the rights of our empire, our faithful subjects, incessantly animated by an ardent attachment to the throne and the country, have

eagerly offered to us the tribute of their property, to second us with all their efforts, and God has blessed our cause.

"Our intrepid warriors have given, both in Europe and in Asia, both by sea and by land, new proofs of their heroic valour. They have triumphed at once over the obstacles presented by nature, and the desperate resistance of the enemy. Hastening from victory to victory, they have crossed the chain of the Saganlouck mountains. They saw the summit of the Balkan sink before them, and have stopped only at the very gates of Constantinople. Formidable only to the enemy in arms, they have shown

themselves to the peaceable inhabitants full of clemency, humanity, and mildness.

"In these days of combat and glory, constantly free from all desire of conquest, we have never ceased to invite the Porte to concur in re-establishing harmony between the two empires. The commanders of our armies, after every victory, hastened, by our order, to offer to it peace and friendship. Nevertheless, our efforts were always fruitless. It was not till he saw our standards displayed not far from his capital, that the Sultan was at length sensible, from our conduct, that our object was, not to overturn his throne, but to obtain the execution of the treaties. Being then convinced of the purity of our intentions, he held out his hand to receive that peace which had been so often proposed to him. This peace promises to Russia happy and prosperous results. The blood of our warriors is redeemed by numerous advantages. The passage of the Dardanelles and the Bosphorus is henceforward free, and open to the commerce of all the nations of the world. The security of our frontiers, especially on the Asiatic side, is for ever guaranteed by the incorporation with the empire of the fortresses of Anapa, Poti, Akhaltzik, Atzkour, and Akhalkalaki. Our proceedings with the Porte are confirmed by it, and re-established in all their force. Just indemnities are secured for the expenses of the war, and the individual losses experienced by our subjects. The scourge of the plague, which has so often threatened the southern provinces of Russia, will, in future, be checked by a

double barrier, by means of the establishment of a line of quarantine on the banks of the Danube, agreed to on both sides.—Our solicitude has also been extended to the fate of the nations professing our religion, who are subject to the Ottoman dominion. The antient privileges of the principalities of Moldavia and Wallachia have been sanctioned, and their welfare consolidated by new advantages. The rights granted to the Servians by the treaty of Bucharest, and confirmed by the convention of Akermann, were still suspended in their application.

"These stipulations will henceforward be faithfully observed. The political existence of Greece, determined by Russia, in concert with the allied courts of France and England, has been formally recognized by the Ottoman Porte. Such are the fundamental bases of a peace which have happily terminated a sanguinary and obstinate war. In announcing to all our beloved subjects this happy event, a new gift of the benediction of heaven bestowed upon Russia, we address with them the most ardent thanksgiving to the Almighty, who has deigned, by his divine decrees, to raise our dear country to such a high degree of glory. May the fruits of this peace be developed and multiplied more and more to the advantage of our beloved subjects, whose welfare will always be the first object of our constant solicitude.

"Given at St. Petersburg the 19th September (1st October) the year 1829, and the 4th of our reign."

TREATY of PEACE between RUSSIA and TURKEY, and the SEPARATE ACT annexed to it.

In the name of God Almighty!
—His imperial majesty, the most high and most mighty emperor and autocrat of all the Russias, and his highness the most high and most mighty emperor of the Ottomans, animated with an equal desire to put an end to the calamities of war, and to establish, on solid and immutable bases, peace, friendship, and good harmony between their empires, have resolved, with a common accord, to intrust this salutary work to, &c. [Here follow the names and titles of the different plenipotentiaries on both sides.]

Art. I.—All enmity and all differences which have subsisted hitherto between the two empires shall cease from this day, as well on land as on sea, and there shall be in perpetuity peace, friendship, and good intelligence, between his majesty the emperor and padishah of all the Russians, and his highness the padishah of the Ottomans, their heirs and successors to the throne, as well as between their respective empires. The two high contracting parties will devote their particular attention to prevent all that might cause misunderstandings to revive between their respective subjects. They will scrupulously fulfil all the conditions of the present treaty of peace, and will watch, at the same time, lest it should be infringed in any manner, directly or indirectly.

Art. II.—His majesty the emperor and padishah of all the Russias, wishing to give to his highness the emperor and padishah of the Ottomans a pledge of the sincerity of his friendly disposition,

restores to the Sublime Porte the principality of Moldavia, with all the boundaries which it had before the commencement of the war to which this present treaty has put an end.

His imperial majesty also restores the principality of Wallachia, the Banat of Crayova, Bulgaria, and the country of Dobridge, from the Danube as far as the sea, together with Silistria, Hirsova, Matsia, Isaklya, Toulza, Babadag, Bazardjik, Varna, Pravody, and other towns, burghs, and villages which it contains, the whole extent of the Balkan from Emine, Bournou as far as Kazan, and all the country from the Balkans as far as the sea, with Siliminea, Jamboli, Aidos, Karnabat, Missenovica, Akhioly, Bourgas, Sizopolis, Kirk-Klissi, the city of Adrianople, Lule Bourgas, and all the towns, burghs, and villages, and in general all places, which the Russian troops have occupied in Roumelia.

Art. III.—The Pruth shall continue to form the limit of the two empires, from the point where that river touches the territory of Moldavia to its junction with the Danube; from that spot the frontier line will follow the course of the Danube as far as the mouth of St. George's, so that, leaving all the islands formed by the different arms of that river in possession of Russia, the right bank shall remain as formerly, in the possession of the Ottoman Porte. Nevertheless, it is agreed that this right bank shall remain uninhabited from the point where the arm of the St. George separates itself from that of Souline, to a distance of two hours

from the river, and that no establishment of any kind shall be formed there, any more than on the islands which shall remain in possession of the Court of Russia, where, with the exception of the quarantines which may be established there, it shall not be allowed to make any other establishment or fortifications. The merchant-vessels of the powers shall have the liberty of navigating the Danube in all its course; and those which bear the Ottoman flag shall have free entrance into the mouths of Keli and Souline, that of St. George remaining common to the ships of war and merchant-vessels of the two contracting powers. But the Russian ships of war, when ascending the Danube, shall not go beyond the point of its junction with the Pruth.

Art. IV. — Georgia, Imeritia, Mingrelia, Gouriel, and several other provinces of the Caucasus, having been for many years and in perpetuity united to the empire of Russia, and that empire having besides, by the treaty concluded with Persia at Tourk-mantchai, on the 10th of February, 1828, acquired the Khanats of Erivan and of Naktchivan, the two high contracting powers have recognized the necessity of establishing between their respective states, on the whole of that line, a well determined frontier, capable of preventing all future discussion. They have equally taken into consideration the proper means to oppose insurmountable obstacles to the incursions and depredations which the neighbouring tribes hitherto committed, and which have so often compromised the relations of friendship and good feeling between the two empires; consequently it has been agreed upon to

consider henceforward as the frontiers between the territories of the imperial Court of Russia, and those of the Sublime Ottoman Porte in Asia, the line which, following the present limit of the Gouriel from the Black Sea, ascends as far as the border of Imeritia, and from thence, in the straightest direction, as far as the point where the frontiers of the Pachaliks of Akhaltzik and of Kars meet those of Georgia, leaving in this manner to the north of, and within that line, the town of Akhaltzik and the fort of Khallnalick, at a distance of not less than two hours.

All the countries situated to the south and west of this line of demarcation, towards the Pachaliks of Kars and Trebizond, together with the major part of the Pachalik of Akhaltzik, shall remain in perpetuity under the domination of the Sublime Porte, whilst those which are situated to the north and east of the said line, towards Georgia, Imeritia, and the Gouriel, as well as all the litoral of the Black Sea, from the mouth of the Kouben as far as the port of St. Nicholas inclusively, under the domination of the emperor of Russia. In consequence, the imperial court of Russia gives up and restores to the Sublime Porte the remainder of the Pachalik of Akhaltzik, the town and the Pachalik of Kars, the town and the Pachalik of Bayazid, the town and the Pachalik of Erzeroum, as well as all the places occupied by the Russian troops, and which may be out of the above-mentioned line.

Art. V. — The principalities of Moldavia and Wallachia having, by a capitulation, placed themselves under the suzeraneté of the sublime Porte, and Russia having guaranteed their prosperity, it is un-

derstood that they shall preserve all the privileges and immunities granted to them in virtue of their capitulation, whether by the treaties concluded between the two imperial courts, or by the Hatti-Sheriffs issued at different times. In consequence, they shall enjoy the free exercise of their religion, perfect security, a national and independent administration, and the full liberty of trade. The additional clauses to antecedent stipulations, considered necessary to secure to these two provinces the enjoyment of their rights, shall be inscribed in the annexed separate act, which is and shall be considered as forming an integral part of the present treaty.

Art. VI.—The circumstances which have occurred since the conclusion of the convention of Akermann not having permitted the Sublime Porte to undertake immediately the execution of the clauses of the separate act relative to Servia, and annexed to the fifth article of the said convention, the Sublime Porte engages in the most solemn manner to fulfil them without the least delay, and with the most scrupulous exactness; and to proceed, in particular, to the immediate restitution of the six districts detached from Servia, so as to ensure for ever the tranquillity and the welfare of that faithful and obedient nation. The firman, confirmed by the Hatti-Sheriff, which shall order the execution of the aforesaid clauses, shall be delivered and communicated to the imperial court of Russia within the period of a month from the date of the signature of the treaty of peace.

Art. VII.—Russian subjects shall enjoy, throughout the whole extent of the Ottoman empire, as well by land as by sea, the full and entire

liberty of commerce secured to them by the former treaties concluded between the two high contracting powers. No infringement of that liberty of commerce shall be committed, neither shall it be permitted to be checked, in any case nor under any pretence, by a prohibition or any restriction whatever, nor in consequence of any regulation or measure, whether it be one of internal administration or one of internal legislation. Russian subjects, vessels, and merchandise, shall be secure against all violence and all chicanery. The former shall live under the exclusive jurisdiction and police of the ministers and the consuls of Russia. The Russian vessels shall not be subjected to any visit on board whatever on the part of the Ottoman authorities, neither out at sea nor in any of the ports or roadsteads belonging to the dominions of the Sublime Porte. And all merchandise and commodities belonging to a Russian subject, after having paid the custom-house duties required by the tariffs, shall be freely conveyed, deposited on land, in the warehouses of the proprietor or of his consignee, or else transferred to the vessels of any other nation whatever, without the Russian subjects being required to give notice to the local authorities, and still less to ask their permission. It is expressly agreed upon, that all grain proceeding from Russia shall enjoy the same privileges, and that its free transit shall never experience, under any pretence, any difficulty or impediment. The Sublime Porte engages, besides, to watch carefully that the commerce and navigation of the Black Sea shall not experience the slightest obstruction of any nature whatever. For this purpose the Sublime Porte

recognizes and declares the passage of the canal of Constantinople, and the strait of the Dardanelles, entirely free and open to Russian ships under merchant flags, laden or in ballast, whether they come from the Black Sea to go into the Mediterranean, or whether, returning from the Mediterranean, they wish to re-enter the Black Sea. These vessels, provided they be merchantmen, of whatever size or tonnage they may be, shall not be exposed to any impediment or vexation whatever, as it has been stipulated above. The two courts shall come to an understanding with respect to the best means for preventing all delay in the delivery of the necessary clearances. In virtue of the same principle, the passage of the canal of Constantinople, and of the strait of the Dardanelles, is declared free and open for all the merchant vessels of the powers at peace with the Sublime Porte, whether bound to the Russian ports of the Black Sea, or returning from them—whether laden or in ballast—upon the same conditions as those stipulated for the vessels under the Russian flag. In fine, the Sublime Porte, acknowledging the right of the imperial court of Russia to obtain guarantees of this full liberty of commerce and navigation in the Black Sea, solemnly declares that she will never, under any pretence whatever, throw the least obstacle in its way. She promises, above all, never to permit herself in future to stop or detain vessels, laden or in ballast, whether Russian or belonging to nations with which the Ottoman empire shall not be in a state of declared war, passing through the strait of Constantinople and the strait of the Dardanelles, to repair from the Black Sea into the Mediterranean, or from the Mediterranean

to the Russian ports of the Black Sea. And if, which God forbid! any of the stipulations contained in the present article should be infringed, and the reclamation of the Russian minister on that subject should not obtain a full and prompt satisfaction, the Sublime Porte recognizes, before-hand, the right in the imperial court of Russia to consider such an infraction an act of hostility, and immediately to retaliate on the Ottoman empire.

Art. VIII.—The arrangements formerly stipulated by the 6th article of the Convention of Akermann, for the purpose of regulating and liquidating the claims of the respective subjects and merchants of both empires, relating to the indemnity for the losses experienced at different periods since the war of 1806, not having been yet carried into effect, and Russian commerce having since the conclusion of the aforesaid convention suffered new and considerable injury in consequence of the measures adopted respecting the navigation of the Bosphorus, it is agreed and determined that the Sublime Porte, as a reparation for that injury and those losses, shall pay to the imperial court of Russia, in the course of eighteen months, at periods which shall be settled hereafter, the sum of one million five hundred thousand ducats of Holland; so that the payment of this sum shall put an end to all claim or reciprocal pretensions on the part of the two contracting powers on the subject of the aforesaid circumstances.

Art. IX.—The prolongation of the war, to which the present treaty of peace happily puts an end, having occasioned to the imperial court of Russia considerable expenses, the Sublime Porte recog-

nizes the necessity of offering it an adequate indemnity. For this purpose, independently of the cession of a small portion of territory in Asia, stipulated by the 4th article, which the court of Russia consents to receive on account of the said indemnity, the Sublime Porte engages to pay to the said court a sum of money, the amount of which shall be regulated by mutual accord.

Art. X.—The Sublime Porte, whilst declaring its entire adhesion to the stipulations of the treaty concluded in London on the 24th of June (the 6th of July), 1827, between Russia, Great Britain, and France, accedes equally to the act drawn up on the 10th (22nd,) of March 1829, by mutual consent, between these same powers, on the basis of the said treaty, and containing the arrangement of detail relative to its definitive execution. Immediately after the exchange of the ratification of the present treaty of peace, the Sublime Porte shall appoint plenipotentiaries to settle with those of the imperial court of Russia, and of the courts of England and France, the execution of the said stipulations and arrangements.

Art. XI. — Immediately after the signature of the present treaty of peace between the two empires, and the exchange of the ratification of the two sovereigns, the Sublime Porte shall take the necessary measures for the prompt and scrupulous execution of the stipulations which it contains, and particularly of the 3rd and 4th articles, relative to the limits which are to separate the two empires, as well in Europe as in Asia; and of the 5th and 6th articles respecting the principalities of Wallachia and Moldavia, as well as Servia; and from the

moment when these stipulations can be considered as having been fulfilled, the imperial court of Russia will proceed to the evacuation of the territory of the Ottoman empire, conformably to the bases established by a separate act, which forms an integral part of the present treaty of peace. Until the complete evacuation of the territories occupied by the Russian troops, the administration and the order of things there established at the present time, under the influence of the imperial court of Russia, shall be maintained, and the Sublime Ottoman Porte shall not interfere with them in any manner.

Art. XII.—Immediately after the signature of the present treaty of peace, orders shall be given to the commanders of the respective troops, as well by land as by sea, to cease hostilities. Those committed after the signature of the present treaty shall be considered as not having taken place, and shall occasion no change in the stipulations which it contains. In the same manner, any thing which in that interval shall have been conquered by the troops of either one or the other of the high contracting powers, shall be restored without the least delay.

Art. XIII.—The high contracting powers, while re-establishing between themselves the relations of sincere amity, grant general pardon, and a full and entire amnesty to all those of their subjects, of whatever condition they may be, who, during the course of the war, happily terminated this day, shall have taken part in military operations, or manifested, either by their conduct or by their opinions, their attachment to one or the other of the two contracting powers. In

consequence, not one of these individuals shall be molested or prosecuted, either in his person or his goods, on account of his past conduct, and every one of them, recovering the property which he possessed before, shall enjoy it peaceably under the protection of the laws, or shall be at liberty to dispose of it within the space of eighteen months, to transport himself, with his family, his goods, his furniture, &c. into any country which he may please to choose, without experiencing any vexations or impediments whatever.

There shall be granted besides to the respective subjects of the two powers established in the territories restored to the Sublime Porte, or ceded to the imperial court of Russia, the same term of eighteen months, to commence from the exchange of the ratification of the present treaty of peace, to dispose, if they think proper, of their property, acquired either before or since the war, and to retire with their capital, their goods, furniture, &c. from the states of one of the contracting powers into those of the other, and reciprocally.

Art. XIV.—All prisoners of war, of whatever nation, condition, or sex they may be, which are in the two empires, must immediately, after the exchange of the ratifications of the present treaty of peace be set free, and restored without the least ransom or payment; with the exception of the Christians who, of their own free-will, have embraced the Mahomedan religion in the states of the Sublime Porte, or the Mahomedans who, also of their own free-will, have embraced the Christian religion in the territories of the Russian empire.

The same conduct shall be adopted towards the Russian subjects, who, after the signature of the present treaty of peace, in any manner whatever, have fallen into captivity, and be found in the states of the Sublime Porte.

The imperial court of Russia promises, on its part, to act in the same way towards the subjects of the Sublime Porte. No repayment shall be required for the sums which have been applied by the two high contracting parties to the support of prisoners. Each of them shall provide the prisoners with all that may be necessary for their journey as far as the frontiers, where they shall be exchanged by commissaries appointed on both sides.

Art. XV.—All the treaties, conventions, and stipulations, settled and concluded at different periods between the imperial court of Russia and the Ottoman Porte, with the exception of those which have been annulled by the present treaty of peace, are confirmed in all their force and effect, and the two high contracting parties engage to observe them religiously and inviolably.

Art. XVI.—The present treaty of peace shall be ratified by the two high contracting courts, and the exchange of the ratifications between the respective plenipotentiaries shall take place within the space of six weeks, or earlier, if possible.

In faith of which,
(Signed) Count ALEXIS ORLOFF,
Count J. PAHLEN.

In virtue, &c.
(Signed)
DIEBITSCH ZABALKANSKY.

**“SEPARATE ACT,
(Relating to the Principalities of
Moldavia and Wallachia.)**

“In the name of Almighty God!—The two high contracting powers, at the same time that they confirm all the stipulations of the separate act of Akermann, relative to the forms to be observed on the election of the Hospodars of Moldavia and Wallachia, have recognized the necessity of giving to the administration of those provinces a more durable basis, and one more in harmony with their true interests. With this view it has been, and is definitively resolved, that the reign of the Hospodars shall not, as formerly, be limited to seven years, but they shall be invested with their dignity for life, except in the case of a free and unconstrained abdication, or of an expulsion, in consequence of crimes committed, as detailed in the said separate act.

“The Hospodars are to administer the internal government of their provinces, with the assistance of their Divan, according to their own pleasure, but without permitting themselves any infraction of the rights guaranteed to the two countries by treaties or hattischerifs, nor shall their administration be disturbed by any command tending to the violation of those rights.

“The Sublime Porte obliges itself conscientiously to keep watch that the privileges granted to Moldavia and Wallachia shall in no way be violated by the neighbouring governors, and that these shall in no way be allowed to interfere in the affairs of those two provinces; also to prevent the inhabitants of the right bank of the Danube from making excursions

upon the territory of Moldavia and Wallachia. All isles situated nearest to the left bank of the Danube are to be considered as part of the territory of those provinces, and to the point where it enters the Ottoman territory to the point of its confluence with the Pruth, the channel of the Danube is to form the boundaries of the two principalities.

“To provide the more securely for the inviolability of the Moldavian and Wallachian territory, the Sublime Porte engages to retain no fortified point upon the left bank of the Danube, nor to permit any settlement there of its Mahometan subjects. It is accordingly irrevocably fixed, that no Mahometan shall ever be allowed to have his residence in Moldavia or Wallachia, and that only merchants provided with firmans shall be admitted, for the purpose of buying, on their own account, such articles as may be required for the consumption of Constantinople.

“The Turkish cities situated on the left bank of the Danube are to be restored to Wallachia, to remain incorporated with that principality; and the fortifications previously existing on that bank are never to be repaired. Mahometans possessing landed property, either in those cities, or upon any point left of the Danube, provided they have not unfairly become possessed thereof (*non usurpés sur des particuliers*), shall be bound to sell such property to natives within eighteen months.

“The government of the principalities being entitled to all the privileges of independence in their internal administration, it shall be lawful for the same to draw sanitary cordons, and to establish quarantine stations, along the line of

the Danube, and wherever else it may be deemed necessary; nor shall any strangers, be they Christians or Mahometans, have a right to consider themselves above an exact compliance with such quarantine regulations. For the execution of the quarantine duty, the protection of the frontiers, the maintenance of order in the cities and in the open country, and for the purpose of obedience to their decrees, the government of each principality shall be permitted to maintain a sufficient military force. The numerical force of these troops is to be determined by the Hospodars and their respective Divans, upon the bases of former examples.

“The Sublime Porte, animated by an earnest wish to secure to the two principalities every species of prosperity which they are capable of enjoying, and being aware of the abuses and oppression occasioned by the contributions for the supply of Constantinople, and the victualling of the fortresses of the Danube, renounces in the most complete and unconditional manner, its rights in this respect. Moldavia and Wallachia are accordingly for ever relieved of all those contributions of corn, provisions, cattle, and timber, which they were formerly bound to furnish. Nor shall, in any case, labourers be demanded from these provinces for any forced service (*corvée*). In order, however, in some degree to indemnify the grand seignorial treasury for the losses which may be sustained by this renunciation of rights, Moldavia and Wallachia are bound, independently of the yearly tribute paid under the denominations of Kadrash Idiye, and Rakiabiye, by virtue of the hatt-i-scherif of 1822, to pay to the Sublime Porte yearly a pecu-

niary indemnity, the amount of which is hereafter to be determined. Moreover, upon every fresh nomination of a Hospodar, in consequence of death, resignation, or deposition, the principality where that event occurs shall be bound to pay to the Sublime Porte a sum equal to the yearly tribute of the province. With the exception of these sums, no tribute or present of any kind shall, under any pretext whatever, be demanded from the Hospodars.

“In consequence of the abolition of the above specified contributions, the inhabitants of the principalities are to enjoy an unlimited freedom of trade for all the productions of their soil and industry (as stipulated by the separate act of the treaty of Akermann) the same not to be liable to any other restraint except such as the Hospodars, with the consent of their Divans, may consider necessary for the due provisioning of the country; they shall be allowed to navigate the Danube with their own vessels, being provided with passports from their own government, and it shall be lawful for them to proceed for the purposes of trade to the other harbours and ports of the Sublime Porte, without suffering any persecution from the collectors of the Kharadsh, and without being exposed to any other act of oppression whatever.

“Duly considering, moreover, all the burthens which it has been necessary for Moldavia and Wallachia to support, the Sublime Porte, animated by a proper feeling of humanity, consents to release the inhabitants from the yearly tribute, payable to the treasury, for the space of two years, to be reckoned from the day of the total evacuation of the principalities by the Russian troops.

"Finally, the Sublime Porte, animated by the wish to secure in every possible way the future prosperity of the two principalities, binds itself to confirm every administrative measure which, during their occupation by the Russian army, may have been decreed, in conformity to a wish expressed in the assemblies of the principal inhabitants of the country, such decrees serving thenceforward as the basis of the internal administration of those provinces, provided always that such decrees do not in any way infringe upon the rights of sovereignty vested in the Sublime Porte.

"On this account we, the undersigned plenipotentiaries of his

majesty the emperor and padishah of all the Russias have, conjointly with the plenipotentiaries of the Sublime Ottoman Porte, regulated and fixed the points respecting Moldavia and Wallachia, the same being a continuation of Article 5 of the treaty of peace concluded at Adrianople, between us and the Ottoman plenipotentiaries.

"Done at Adrianople, 2nd (14th) Sept. 1829.

(Signed)

"Count ALEXIS ORLOFF.

"Count F. V. PAHLEN.

"Confirmed in the original copy by
Count DIEBITSCH SABALKANSKY,
Commander-in-Chief of
the 2nd Army."

SPEECH of the PRESIDENT of the UNITED STATES.

"Fellow Citizens of the Senate and House of Representatives.

"It affords me pleasure to tender my friendly greetings to you on the occasion of your assembling at the seat of government, to enter upon the important duties to which you have been called by the voice of our countrymen. The task devolves on me, under a provision of the constitution, to present to you, as the Federal Legislature of twenty-four sovereign states, and 12,000,000 of happy people, a view of our affairs; and to propose such measures as, in the discharge of my official functions, have suggested themselves as necessary to promote the objects of our Union.

"In communicating with you for the first time, it is to me a source of unfeigned satisfaction, calling for mutual gratulation and devout

thanks to a benign Providence, that we are at peace with all mankind, and that our country exhibits the most cheering evidence of general welfare and progressive improvement. Turning our eyes to other nations, our great desire is to see our brethren of the human race secured in the blessings enjoyed by ourselves, and advancing in knowledge, in freedom, and in social happiness.

"Our foreign relations, although in their general character pacific and friendly, present subjects of difference between us and other powers, of deep interest, as well to the country at large as to many of our citizens. To effect an adjustment of these shall continue to be the object of my earnest endeavours; and notwithstanding the difficulties of the task, I do not allow myself to apprehend

unfavourable results. Blessed as our country is with every thing which constitutes national strength she is fully adequate to the maintenance of all her interests. In discharging the responsible trusts confided to the executive in this respect, it is my settled purpose to ask nothing that is not clearly right, and to submit to nothing that is wrong; and I flatter myself, that, supported by the other branches of the government, and by the intelligence and patriotism of the people, we shall be able, under the protection of Providence, to cause all our just rights to be respected.

“Of the unsettled matters between the United States and other powers, the most prominent are those which have for years been the subject of negotiation with England, France, and Spain. The late periods at which our ministers to those governments left the United States render it impossible, at this early day, to inform you of what has been done on the subjects with which they have been respectively charged. Relying upon the justice of our views in relation to the points committed to negotiation, and the reciprocal good feeling which characterizes our intercourse with those nations, we have the best reason to hope for a satisfactory adjustment of existing differences.

“With Great Britain, alike distinguished in peace and war, we may look forward to years of peaceful, honourable, and elevated competition. Every thing in the condition and history of the two nations is calculated to inspire sentiments of mutual respect, and to carry conviction to the minds of both, that it is their policy to

preserve the most cordial relations. Such are my own views, and it is not to be doubted that such are also the prevailing sentiments of our constituents. Although neither time nor opportunity has been afforded for a full development of the policy which the present cabinet of Great Britain designs to pursue towards this country, I indulge the hope that it will be of a just and pacific character; and if this anticipation be realized, we may look with confidence to a speedy and acceptable adjustment of our affairs.

Under the convention for regulating the reference to arbitration of the disputed points of boundary under the 5th article of the treaty of Ghent, the proceedings have hitherto been conducted in that spirit of candour and liberality which ought ever to characterize the acts of sovereign states, seeking to adjust, by the most unexceptionable means, important and delicate subjects of contention. The first statements of the parties have been exchanged, and the final replication on our part is in a course of preparation. This subject has received the attention demanded by its great and peculiar importance to a patriotic member of this confederacy. The exposition of our rights, already made, is such, as, from the high reputation of the commissioners by whom it has been prepared, we had a right to expect. Our interests at the court of the sovereign who has evinced his friendly disposition by assuming the delicate task of arbitration have been committed to a citizen of the state of Maine, whose character, talents, and intimate acquaintance with the subject, eminently

qualify him for so responsible a trust. With full confidence in the justice of our cause, and in the probity, intelligence, and uncompromising independence of the illustrious arbitrator we can have nothing to apprehend from the result.

“From France, our antient ally, we have a right to expect that justice which becomes the sovereign of a powerful, intelligent, and magnanimous people. The beneficial effects produced by the commercial convention of 1822, limited as are its provisions, are too obvious not to make a salutary impression upon the minds of those who are charged with the administration of her government. Should this result induce a disposition to embrace, to their full extent, the wholesome principles which constitute our commercial policy, our minister to that court will be found instructed to cherish such a disposition, and to aid in conducting it to useful practical conclusions. The claims of our citizens for depredations upon their property, long since committed under the authority, and in many instances by the express direction, of the then existing government of France, remain unsatisfied, and must, therefore, continue to furnish a subject of unpleasant discussion and possible collision between the two governments. I cherish, however, a lively hope, founded as well on the validity of those claims, and the established policy of all enlightened governments, as on the known integrity of the French monarch, that the injurious delays of the past will find redress in the equity of the future. Our minister has been instructed to press these

demands on the French government, with all the earnestness which is called for by their importance and irrefutable justice, and in a spirit that will evince the respect which is due to the feelings of those from whom the satisfaction is required.

“Our minister recently appointed to Spain has been authorized to assist in removing evils alike injurious to both countries, either by concluding a commercial convention upon liberal and reciprocal terms, or by urging the acceptance, in their full extent, of the mutually beneficial provisions of our navigation acts. He has also been instructed to make a further appeal to the justice of Spain, in behalf of our citizens, for indemnity for spoliations upon our commerce, committed under her authority,—an appeal which the pacific and liberal course observed on our part, and a due confidence in the honour of that government, authorize us to expect will not be made in vain.

“With other European powers our intercourse is on the most friendly footing. In Russia, placed, by her territorial limits, extensive population, and great power, high on the rank of nations, the United States have always found a steadfast friend. Although her recent invasion of Turkey awakened a lively sympathy for those who were exposed to the desolation of war, we cannot but anticipate that the result will prove favourable to the cause of civilization, and to the progress of human happiness. The treaty of peace between these powers having been ratified, we cannot be insensible to the great benefit to be derived to the commerce of

the United States, from unlocking the navigation of the Black Sea, a free passage into which is secured to all merchant vessels bound to ports of Russia, under a flag of peace with the Porte. This advantage, enjoyed upon conditions, by most of the powers of Europe, has hitherto been withheld from us. During the past summer, an antecedent but unsuccessful attempt to obtain it, was renewed, under circumstances which promised the most favourable results. Although these results have fortunately been thus in part attained, further facilities to the enjoyment of this new field of enterprise for our citizens are, in my opinion, sufficiently desirable to ensure to them our most zealous attention.

"Our trade with Austria, although of secondary importance, has been gradually increasing, and is now so extended as to deserve the fostering care of the government. A negotiation, commenced and nearly completed with that power, by the late administration, has been consummated by a treaty of amity, navigation, and commerce, which will be laid before the senate.

"During the recess of Congress, our diplomatic relations with Portugal have been resumed. The peculiar state of things in that country caused a suspension of the recognition of the representative who presented himself, until an opportunity was had to obtain from our official organ there, information regarding the actual, and, as far as practicable, prospective condition of the authority by which the representative in question was appointed. This information being received; the appli-

cation of the established rule of our government in like cases was no longer withheld.

"Considerable advances have been made, during the present year, in the adjustment of claims of our citizens upon Denmark for spoliations; but all that we have a right to demand from that government, in their behalf, has not been conceded. From the liberal footing, however, upon which the subject has, with the approbation of the claimants, been placed by the government, together with the uniformly just and friendly disposition which has been evinced by his Danish majesty, there is a reasonable ground to hope that this single subject of difference will speedily be removed.

"Our relations with the Barbary powers continue, as they have long been, of the most favourable character. The policy of keeping an adequate force in the Mediterranean, as security for the continuance of this tranquillity, will be persevered in, as well as a similar one for the protection of our commerce and fisheries in the Pacific.

"The Southern republics of our hemisphere have not yet realized all the advantages for which they have been so long struggling. We trust, however, that the day is not far distant, when the restoration of peace and internal quiet, under permanent systems of government, securing the liberty and promoting the happiness of the citizens, will crown with complete success their long and arduous efforts in the cause of self-government, and enable us to salute them as friendly rivals in all that is truly great and glorious.

"The recent invasion of Mexico,

and the effect thereby produced upon her domestic policy, must have a controlling influence upon the great question of South American emancipation. We have seen the fell spirit of civil dissension rebuked, and perhaps forever stifled in that republic, by the love of independence. If it be true, as appearances strongly indicate, that the spirit of independence is the master spirit, and if a corresponding sentiment prevails in the other States, this devotion to liberty cannot be without a proper effect upon the council of the mother country. The adoption by Spain of a pacific policy towards her former colonies—an event consoling to humanity, and a blessing to the world, in which she herself cannot fail largely to participate—may be most reasonably expected.

“The claims of our citizens upon the South American government, generally, are in a train of settlement; while the principal part of those upon Brazil have been adjusted, and a decree in council, ordering bonds to be issued by the minister of the Treasury for their amount, has received the sanction of his imperial majesty. This event, together with the exchange of the ratifications of the treaty, negotiated and concluded in 1828, happily terminates all serious causes of difference with that power.

“Measures have been taken to place our commercial relations with Peru upon a better footing than that upon which they have hitherto rested; and if met by a proper disposition on the part of that government, important benefits may be secured to both countries.

“Deeply interested as we are in the prosperity of our sister republics, and more particularly in that of our immediate neighbour, it would be most gratifying to me; were I permitted to say, that the treatment which we have received at her hands has been as universally friendly as the early and constant solicitude manifested by the United States for her success gave us a right to expect. But it becomes my duty to inform you, that prejudices, long indulged by a portion of the inhabitants of Mexico, against the envoy extraordinary and minister plenipotentiary of the United States, have had an unfortunate influence upon the affairs of the two countries, and have diminished that usefulness to his own which was justly to be expected from his talents and zeal. To this cause, in a great degree, is to be imputed the failure of the several measures equally interesting to both parties; but particularly that of the Mexican government to ratify a treaty, negotiated and concluded in its own capital, and under its own eye. Under these circumstances, it appeared expedient to give to Mr. Poinsett the option either to return or not, as, in his judgment the interest of his country might require, and the instructions to that end were prepared; but, before they could be dispatched, a communication was received from the government of Mexico, through its chargé d'affaires here, requesting the recall of our minister. This was promptly complied with; and a representative of a rank corresponding with that of the Mexican diplomatic agent near this government was appointed. Our conduct towards that repub-

lic has been uniformly of the most friendly character; and having thus removed the only alleged obstacle to harmonious intercourse, I cannot but hope that an advantageous change will occur in our affairs.

“In justice to Mr. Poinsett, it is proper to say, that my immediate compliance with the application for his recall, and the appointment of a successor, are not to be ascribed to any evidence that the imputation of an improper interference by him in the local politics of Mexico was well founded; nor to a want of confidence in his talents or integrity; and to add, that the truth of that charge has been affirmed by the federal government of Mexico in its communications with his.

“I consider it one of the most urgent of my duties to bring to your attention the propriety of amending that part of our constitution which relates to the election of president and vice-presidents. Our system of government was, by its framers, deemed an experiment; and they, therefore, consistently provided a mode of remedying its defects.

“To the people belongs the right of electing their chief magistrate; it was never designed that their choice should, in any case, be defeated, either by the intervention of electoral colleges, or by the agency confided, under certain contingencies, to the House of Representatives. Experience proves, that in proportion as agents to execute the will of the people are multiplied, there is danger of their wishes being frustrated. Some may be unfaithful; all are liable to err. So far, therefore, as the people can with

convenience speak, it is safer for them to express their own will.

“The number of aspirants to the presidency, and the diversity of the interests which may influence their claims, leave little reason to expect a choice in the first instance; and, in that event, the election must devolve on the House of Representatives, where, it is obvious, the will of the people will not be always ascertained, or, if ascertained, may not be regarded. From the mode of voting by States, the choice is to be made by twenty-four votes; and it may often occur that one of these may be controlled by an individual representative. Honours and offices are at the disposal of the successful candidate. Repeated ballotings may make it apparent that a single individual holds the cast in his hand. May he not be tempted to name his reward? But even without corruption—supposing the probity of the representative to be proof against the powerful motives by which he may be assailed, the will of the people is still constantly liable to be misrepresented. One may err from ignorance of the wishes of his constituents; another, from a conviction that it is his duty to be governed by his own judgment of the fitness of the candidates: finally, although all were inflexibly honest—all accurately informed of the wishes of their constituents—yet, under the present mode of election, a minority may often elect the president; when this happens, it may reasonably be expected that efforts will be made on the part of the majority, to rectify this injurious operation of their institutions. But although no evil of this character should result from such a

perversion of the first principle of our system—that the majority is to govern—it must be very certain that a president elected by a minority cannot enjoy the confidence necessary to the successful discharge of his duties.

“ In this, as in all other matters of public concern, policy requires that as few impediments as possible should exist to the free operation of the public will. Let us, then, endeavour so to amend our system, that the office of chief magistrate may not be conferred upon any citizen but in pursuance of a fair expression of the will of the majority.

“ I would, therefore, recommend such an amendment of the constitution as may remove all intermediate agency in the election of vice-president. The mode may be so regulated as to preserve to each State its present relative weight in the election; and a failure in the first attempt may be provided for, by confining the second to a choice between the two highest candidates. In connexion with such an amendment, it would seem advisable to limit the service of the chief magistrate to a single term, of either four or six years. If, however, it should not be adopted, it is worthy of consideration whether a provision, disqualifying for office the representatives in Congress on whom such an election may have devolved, would not be proper.

“ While members of Congress can be constitutionally appointed to offices of trust and profit, it will be the practice, even under the most conscientious adherence to duty, to select them for such stations as they are believed to be better qualified to fill than other

citizens; but the purity of our government would doubtless be promoted, by the exclusion from all appointments in the gift of the president in whose election they have been officially concerned. The nature of the judicial office, and the necessity of securing in the cabinet, and in diplomatic stations of the highest rank, the best talents and political experience, should, perhaps, except these from the exclusion.

“ There are, perhaps, few men who can, for any great length of time, enjoy office and power without being more or less under the influence of feelings unfavourable to a faithful discharge of their public duties. Their integrity may be proof against improper considerations immediately addressed to themselves, but they are apt to acquire a habit of looking with indifference upon the public interests, and of tolerating conduct from which an unpractised man would revolt. Office is considered as a species of property; and government, rather as a means of promoting individual interests, than as an instrument created solely for the service of the people.

“ Corruption in some, and in others a perversion of correct feelings and principles, divert government from its legitimate ends, and make it an engine for the support of the few at the expense of the many. The duties of all public offices are, or at least admit of being made, so plain and simple, that men of intelligence may readily qualify themselves for their performance; and I cannot but believe, that more is lost by the long continuance of men in office than is generally to be gained by their experience. I

submit, therefore, to your consideration, whether the efficiency of the government would not be promoted, and official industry and integrity better secured, by a general extension of the law which limits appointments for four years.

“In a country where offices are created solely for the benefit of the people, no one man has any more intrinsic right to official station than another. Offices were not established to give support to particular men at the public expense. No individual wrong is therefore done by removal, since neither appointment to, nor continuance in, office, is matter of right. The incumbent became an officer with a view to public benefits; and when these require his removal, they are not to be sacrificed to private interests. It is the people, and they alone, who have a right to complain, when a bad officer is substituted for a good one. He who is removed has the same means of obtaining a living that are enjoyed by the millions who never held office. The proposed limitations would destroy the idea of property, now so generally connected with official station, and although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system.

“No very considerable change has occurred during the recess of Congress, in the condition of either our agriculture, commerce, or manufactures. The operation of the tariff has not proved so injurious to the two former, nor as beneficial to the latter, as was anticipated. Importations of foreign

goods have not been sensibly diminished, while domestic competition, under an illusive excitement, has increased the production much beyond the demand for home consumption. The consequences have been low prices, temporary embarrassment, and partial loss. That such of our manufacturing establishments as are based upon capital, and are prudently managed, will survive the shock, and be ultimately profitable, there is no good reason to doubt.

“To regulate its conduct, so as to promote equally the prosperity of these three cardinal interests, is one of the most difficult tasks of government; and it may be regretted that the complicated restrictions which now embarrass the intercourse of nations could not, by common consent, be abolished, and commerce allowed to flow in those channels to which individual enterprise—always its surest guide—might direct it. But we must ever expect selfish legislation in other nations, and are, therefore, compelled to adapt our own to their regulations, in the manner best calculated to avoid serious injury, and to harmonize the conflicting interests of our agriculture, our commerce, and our manufactures. Under these impressions, I invite your attention to the existing tariff, believing that some of its provisions require modification.

“The general rule to be applied in graduating the duties upon articles of foreign growth or manufacture, is that which will place our own in fair competition with those of other countries; and the inducements to advance even a step beyond this point are con-

trolling in regard to those articles which are of primary necessity in time of war. When we reflect upon the difficulty and delicacy of this operation, it is important that it should never be attempted but with the utmost caution. Frequent legislation, in regard to any branch of industry, affecting its value, and by which its capital may be transferred to new channels, must always be productive of hazardous speculation and loss. In deliberating, therefore, on these interesting subjects, local feelings and prejudices should be merged in the patriotic determination to promote the great interests of the whole. All attempts to connect them with the party conflicts of the day are necessarily injurious, and should be discountenanced. Our action upon them should be under the control of higher and purer motives. Legislation, subjected to such influences, can never be just, and will not long retain the sanction of a people, whose active patriotism is not bounded by sectional limits, nor insensible to that spirit of concession and forbearance which gave life to our political compact, and still sustains it. Discarding all calculations of political ascendancy, the north, the south, the east, and the west, should unite in diminishing any burthen of which either may justly complain.

“The agricultural interest of our country is so essentially connected with every other, and so superior in importance to them all, that it is scarcely necessary to invite to it your particular attention. It is principally as manufactures and commerce tend to increase the value of agricultural productions, and to extend their application to

the wants and comforts of society, that they deserve the fostering care of government.

“Looking forward to the period, not far distant, when a sinking-fund will no longer be required, the duties on those articles of importation which cannot come in competition with our own productions are the first that should engage the attention of Congress in the modification of the tariff. Of these, tea and coffee are the most prominent: they enter largely into the consumption of the country, and have become articles of necessity to all classes. A reduction, therefore, of the existing duties, will be felt as a common benefit; but, like all other legislation connected with commerce, to be efficacious and not injurious, it should be gradual and certain.

“The public prosperity is evinced in the increased revenue arising from the sales of the public lands, and in the steady maintenance of that produced by imposts and tonnage, notwithstanding the additional duties imposed by the act of 19th of May, 1828, and the unusual importations in the early part of that year.

“The balance in the treasury on the 1st of January, 1829, was 5,972,435 dollars and 81 cents. The receipts of the current year are estimated at 24,602,230 dollars, and the expenditures for the same time at 26,164,595 dollars; leaving a balance in the treasury, on the 1st of January next, of 4,410,070 dollars and 91 cents.

“There will have been paid, on account of the public debt, during the present year, the sum of 12,405,005 dollars and 80 cents; reducing the whole debt of the government, on the 1st of January

next, to 48,565,406 dollars and 50 cents, including 7,000,000 of 5 per cent stock, subscribed to the Bank of the United States. The payment on the account of the public debt, made on the 1st of July last, was 8,715,462 dollars and 87 cents. It was apprehended that the sudden withdrawal of so large a sum from the banks in which it was deposited, at a time of unusual pressure in the money-market, might cause much injury to the interests dependent on bank accommodations; but this evil was wholly averted by an early anticipation of it at the treasury, aided by the judicious arrangements of the officers of the Bank of the United States.

“ This state of the finances exhibits the resources of the nation in an aspect highly flattering to its industry, and auspicious of the ability of government, in a very short time, to extinguish the public debt. When this shall be done, our population will be relieved from a considerable portion of its present burthens; and will find, not only new motives to patriotic affection, but additional means for the display of individual enterprise. The fiscal power of the States will also be increased, and may be more extensively exerted in favour of education and other public objects; while ample means will remain in the federal government to promote the general weal, in all the modes permitted to its authority.

“ After the extinction of the public debt, it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the government without a considerable surplus in the Treasury, beyond what may be required for its current

service. As, then, the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided. Considered in connexion with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the general government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States, and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefitted by the improvement of inland navigation, and the construction of highways in the several states. Let us, then, endeavour to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has, by many of our fellow-citizens, been deprecated as an infraction on the constitution, while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

“ To avoid these evils, it appears to me, that the most safe, just, and federal disposition which could be made of the surplus revenue, would be its apportionment among the several States, according to the ratio of representation; and should this measure not be found warranted by the constitution, that it would be expedient to propose to the States an amendment authorising it. I regard an appeal to the source of power, in cases of real

doubt, and where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations.

“ Upon this country, more than any other, has, in the providence of God, been cast the special guardianship of the great principle of adherence to written constitutions. If it fail here, all hope in regard to it will be extinguished. That this was intended to be a government of limited and specific, and not general powers, must be admitted by all; and it is our duty to preserve for it the character intended by its framers. If experience points out the necessity for an enlargement of these powers, let us apply for it to those for whose benefit it is to be exercised; and not undermine the whole system by a resort to overstrained constructions. The scheme has worked well. It has exceeded the hopes of those who devised it, and become an object to the world. We are responsible to our country, and to the glorious cause of self-government, for the preservation of so great a good. The great mass of legislation relating to our internal affairs was intended to be left where the federal convention found it—in the state governments. Nothing is clearer, in my view, than that we are chiefly indebted for the success of the constitution, under which we are now acting, to the watchful and auxiliary operation of the state authorities. This is not the reflection of a day, but belongs to the most deeply rooted convictions of my mind. I cannot, therefore, too strongly or too earnestly, for my own sense of its importance, warn you against all encroachments upon the legitimate sphere of state sovereignty. Sustained by its healthful and in-

vigorating influence, the federal system can never fall.

“ In the collection of the revenue, the long credits authorized on goods imported from beyond the Cape of Good Hope are the chief cause of the losses at present sustained. If these were shortened to six, nine, and twelve months, and warehouses provided by government, sufficient to receive the goods offered in deposit for security and debenture, and if the right of the United States to a priority of payment out of the estates of its insolvent debtors were more effectually secured, this evil would, in a great measure, be obviated. An authority to construct such houses, is, therefore, with the proposed alteration of the credits, recommended to your attention.

“ It is worthy of notice, that the laws for the collection and security of the revenue arising from imposts, were chiefly framed when the rates of duties on imported goods presented much less temptation for illicit trade than at present exists. There is reason to believe, that these laws are, in some respects quite insufficient for the proper security of the revenue and the protection of the interests of those who are disposed to observe them. The injurious and demoralizing tendency of a successful system of smuggling is so obvious as not to require comment, and cannot be too carefully guarded against. I therefore suggest to Congress the propriety of adopting efficient measures to prevent this evil, avoiding, however, as much as possible, every unnecessary infringement of individual liberty, and embarrassment of fair and lawful business.

“ On an examination of the records of the treasury, I have been forcibly struck with the large amount

of public money which appears to be outstanding. Of the sum thus due from individuals to the government, a considerable portion is undoubtedly desperate; and, in many instances, has probably been rendered so by remissness in agents charged with its collection. By proper exertions, a great part, however, may yet be recovered; and whatever may be the portions respectively belonging to these two classes, it behoves the government to ascertain the real state of the fact. This can be done only by the prompt adoption of judicious measures for the collection of such as may be made available. It is believed that a large amount has been lost through the inadequacy of the means provided for the collection of debts due to the public, and that this inadequacy lies chiefly in the want of legal skill, habitually and constantly employed in the direction of the agents engaged in the service. It must, I think, be admitted, that the supervisory power over suits brought by the public, which is now vested in an accounting officer of the Treasury, not selected with a view to his legal knowledge, and encumbered as he is with numerous other duties, operates unfavourably to the public interest.

“It is important that this branch of the public service should be subjected to the supervision of such professional skill as will give it efficiency. The expense attendant upon such a modification of the executive department would be justified by the soundest principles of economy. I would recommend, therefore, that the duties now assigned to the agent of the Treasury, so far as they relate to the superintendence and management of legal proceedings on the

part of the United States, be transferred to the attorney-general, and that this officer be placed on the same footing, in all respects, as the heads of the other departments—receiving like compensation and having such subordinate officers provided for his department, as may be requisite for the discharge of these additional duties. The professional skill of the attorney-general, employed in directing the conduct of marshals and district attorneys, would hasten the collection of debts now in suit, and hereafter save much to the government. It might be further extended to the superintendence of all criminal proceedings for offences against the United States. In making this transfer, great care should be taken, however, that the power necessary to the Treasury department be not impaired: one of its greatest securities consisting in a control over all accounts, until they are audited or reported for suit.

“In connexion with the foregoing views, I would suggest an inquiry whether the provisions of the Act of Congress, authorizing the discharge of the persons of debtors to the government from imprisonment, may not, consistently with the public interest, be extended to the release of the debt, where the conduct of the debtor is wholly exempt from the imputation of fraud. Some more liberal policy than that which now prevails, in reference to this unfortunate class of citizens, is certainly due to them, and would prove beneficial to the country. The continuance of the liability, after the means to discharge it have been exhausted, can only serve to dispirit the debtor; or where his resources are but partial, the want of power

doubt, and where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations.

“ Upon this country, more than any other, has, in the providence of God, been cast the special guardianship of the great principle of adherence to written constitutions. If it fail here, all hope in regard to it will be extinguished. That this was intended to be a government of limited and specific, and not general powers, must be admitted by all; and it is our duty to preserve for it the character intended by its framers. If experience points out the necessity for an enlargement of these powers, let us apply for it to those for whose benefit it is to be exercised; and not undermine the whole system by a resort to overstrained constructions. The scheme has worked well. It has exceeded the hopes of those who devised it, and become an object to the world. We are responsible to our country, and to the glorious cause of self-government, for the preservation of so great a good. The great mass of legislation relating to our internal affairs was intended to be left where the federal convention found it—in the state governments. Nothing is clearer, in my view, than that we are chiefly indebted for the success of the constitution, under which we are now acting, to the watchful and auxiliary operation of the state authorities. This is not the reflection of a day, but belongs to the most deeply rooted convictions of my mind. I cannot, therefore, too strongly or too earnestly, for my own sense of its importance, warn you against all encroachments upon the legitimate sphere of state sovereignty. Sustained by its healthful and in-

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and the Indians, in general, receding further and further to the west, have retained their savage habits. A portion, however, of the southern tribes having mingled much with the whites, and made some progress in the arts of civilized life, have lately attempted to erect an independent government within the limits of Georgia and Alabama. These States, claiming to be the only sovereigns within their territories, extended their laws over the Indians, which induced the latter to call upon the United States for protection.

“Under these circumstances the question presented was, whether the general government had a right to sustain those people in their pretensions? The constitution declares, that “no new State shall be formed or erected within the jurisdiction of any other State,” without the consent of its legislature. If the general government is not permitted to tolerate the erection of a confederate state within the territory of one of the members of this Union, against her consent, much less could it allow a foreign and independent government to establish itself there. Georgia became a member of the confederacy which eventuated in our federal union, as a sovereign State, always asserting her claim to certain limits; which having been originally defined in her colonial charter, and subsequently recognized in the treaty of peace, she has ever since continued to enjoy, except as they have been circumscribed by her own voluntary transfer of a portion of her territory to the United States, in the articles of cession of 1802. Alabama was admitted into the Union on the same footing with

the original States, with boundaries which were prescribed by Congress. There is no constitutional, conventional or legal provision, which allows them less power over the Indians within their borders, than is possessed by Maine or New York. Would the people of Maine permit the Penobscot tribe to erect an independent government within their State? and, unless they did, would it not be the duty of the general government to support them in resisting such a measure? Would the people of New York permit each remnant of the six nations within her borders to declare itself an independent people, under the protection of the United States? Could the Indians establish a separate republic on each of their reservations in Ohio? And, if they were so disposed, would it be the duty of this government to protect them in the attempt? If the principle involved in the obvious answer to these questions be abandoned, it will follow that the objects of this government are reversed, and that it has become a part of its duty to aid in destroying the States which it was established to protect.

“Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama, that their attempt to establish an independent government would not be countenanced by the executive of the United States, and advised them to emigrate beyond the Mississippi, or submit to the laws of those States.

“Our conduct towards these people is deeply interesting to our national character. Their present condition, contrasted with what

doubt, and where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations.

“ Upon this country, more than any other, has, in the providence of God, been cast the special guardianship of the great principle of adherence to written constitutions. If it fail here, all hope in regard to it will be extinguished. That this was intended to be a government of limited and specific, and not general powers, must be admitted by all; and it is our duty to preserve for it the character intended by its framers. If experience points out the necessity for an enlargement of these powers, let us apply for it to those for whose benefit it is to be exercised; and not undermine the whole system by a resort to overstrained constructions. The scheme has worked well. It has exceeded the hopes of those who devised it, and become an object to the world. We are responsible to our country, and to the glorious cause of self-government, for the preservation of so great a good. The great mass of legislation relating to our internal affairs was intended to be

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the secretary of the navy will make you acquainted with the condition and useful employment of that branch of our service, during the present year. Constituting, as it does, the best standing security of this country against foreign aggression, it claims the especial attention of government. In this spirit, the measures which, since the termination of the last war, have been in operation for its gradual enlargement, were adopted; and it should continue to be cherished as the offspring of our national experience. It will be seen, however, that notwithstanding the great solicitude which has been manifested for the perfect organization of this arm, and the liberality of the appropriations which that solicitude has suggested, this object has, in many important respects, not been secured.

“In time of peace we have need of no more ships of war than are requisite to the protection of our commerce. Those not wanted for this object must lie in the harbours, where, without proper covering, they rapidly decay, and, even under the best precautions for their preservation, must soon become useless. Such is already the case with many of our finest vessels, which, though unfinished, will now require immense sums of money to be restored to the condition in which they were when committed to their proper element.

“On this subject there can be but little doubt that our best policy would be to discontinue the building of ships of the first and second class; and look rather to the possession of ample materials, prepared for the emergencies of war, than to the number of ves-

sels we can float in a season of peace as the index of our naval power. Judicious deposits in navy yards of timber, fashioned under the hands of skilful workmen, and fitted for prompt application to their various purposes, would enable us, at all times, to construct vessels as fast as they can be manned, and save the heavy expense of repairs, except to such vessels as must be employed in guarding our commerce. The proper points for the establishment of these yards are indicated with so much force in the report of the Navy Board, that, in recommending it to your attention, I deem it unnecessary to do more than express my hearty concurrence in their views. The yard in this district being already furnished with most of the machinery necessary for ship-building, will be competent to the supply of the two selected by the Board as the best for the concentration of materials, and from the facility and certainty of communication between them, it will be useless to incur at these dépôts the expense of similar machinery, especially that used in preparing the usual metallic and wooden furniture of vessels.

“Since the last session of Congress, numerous frauds on the Treasury have been discovered, which I thought it my duty to bring under the cognizance of the United States' court for this district, by a criminal prosecution. It was my opinion, and that of able counsel who were consulted, that the cases came within the penalties of the Act of the 17th Congress, approved the 3rd of March, 1823, providing for the punishment of frauds committed on the

government of the United States. Either from some defect in the law, or in its administration, every effort to bring the accused to trial under its provisions proved ineffectual; and the government was driven to the necessity of resorting to the vague and inadequate provisions of the common law. It is therefore my duty to call your attention to the laws which have been passed for the protection of the Treasury. If, indeed, there be no provision by which those who may be unworthily intrusted with its guardianship can be punished for the most flagrant violation of duty, extending even to the most fraudulent appropriations of the public funds to their own use, it is time to remedy so dangerous an omission. Or, if the law has been perverted from its original purpose, and criminals deserving to be punished under its provisions have been rescued by legal subtleties, it ought to be made so plain, by emendatory provisions, as to baffle the arts of perversion, and accomplish the ends of its original enactment.

"In one of the most flagrant cases, the court decided that the prosecution was barred by the statute which limits prosecution for fraud to two years. In this case all the evidences of fraud, and indeed all knowledge that a fraud had been committed, were in possession of the party accused until after the two years had elapsed. Surely the statute ought not to run in favour of any man while he retains all the evidences of his crime in his own possession; and, least of all, in favour of a public officer who continues to defraud the treasury and conceal the transactions for the brief term of two

years. I would therefore recommend such an alteration of the law as will give the injured party and the government two years after the disclosure of the fraud, or after the accused is out of office, to commence their prosecution.

"In connexion with the subject, I invite the attention of Congress to a general and minute inquiry into the condition of the government; with a view to ascertain what offices can be dispensed with, what expenses retrenched, and what improvements may be made in the organization of its various parts, to secure the proper responsibility of public agents, and promote efficiency and justice in all its operations.

"The report of the secretary of war will make you acquainted with the condition of our army, fortifications, arsenals, and Indian affairs. The proper discipline of the army, the training and equipment of the militia, the education bestowed at West Point, and the accumulation of the means of defence applicable to the naval force, will tend to prolong the peace we now enjoy, and which every good citizen, more especially those who have felt the miseries of even a successful warfare, must ardently desire to perpetuate.

"The returns from the subordinate branches of this service exhibit a regularity and order highly creditable to its character: both officers and soldiers seem imbued with a proper sense of duty, and conform to the restraints of exact discipline with that cheerfulness which becomes the profession of arms. There is need, however, of further legislation to obviate the inconveniences speci-

fied in the report under consideration; to some of which it is proper that I should call your particular attention.

“The Act of Congress of the 2nd of March, 1821, to reduce and fix the military establishment, remaining unexecuted as it regards the command of one of the regiments of artillery, cannot now be deemed a guide to the executive in making the proper appointment. An explanatory act, designating the class of officers out of which this grade is to be filled—whether from the military list, as existing prior to the act of 1821, or from it, as it has been fixed by that act—would remove this difficulty. It is also important that the laws regulating the pay and emoluments of officers generally, should be more specific than they are. Those, for example, in relation to the paymaster and surgeon-general, assign to them an annual salary of 2,500 dollars; but are silent as to allowances which, in certain exigences of the service, may be deemed indispensable to the discharge of their duties. This circumstance has been the authority for extending to them various allowances, at different times, under former administrations, but no uniform rule has been observed on the subject. Similar inconveniences exist in other cases, in which the construction put upon the laws by the public accountants may operate unequally, produce confusion, and expose officers to the odium of claiming what is not their due.

“I recommend to your fostering care, as one of our safest means of national defence, the military academy. This institution has already exercised the happiest in-

fluence upon the moral and intellectual character of our army; and such of the graduates as, from various causes may not pursue the profession of arms, will be scarcely less useful as citizens. Their knowledge of the military art will be advantageously employed in the militia service; and, in a measure, secure to that class of troops the advantages which in this respect belong to standing armies.

“Another improvement would be effected by dispensing altogether with the navy board, as now constituted; and substituting, in its stead, bureaus, similar to those already existing in the war department. Each member of the board, transferred to the head of a separate bureau, charged with specific duties, would feel, in its highest degree, that wholesome responsibility which cannot be divided without a far more than proportionate diminution of its force. Their valuable services would become still more so when separately appropriated to distinct portions of the great interests of the navy, to the prosperity of which each would be impelled to devote himself by the strongest motives. Under such an arrangement, every branch of this important service would assume a more simple and precise character, its efficiency would be increased, and scrupulous economy in the expenditure of public money promoted.

“I would also recommend that the marine corps be merged in the artillery or infantry, as the best mode of curing the many defects in its organization. But little exceeding in number any of the regiments of infantry, that corps has, besides its lieutenant-colonel commandant, five brevet lieute-

nant-colonels, who receive the full pay and emoluments of their brevet rank; without rendering proportionate service. Details for marine service could as well be made from the infantry or artillery, there being no peculiar training requisite for it.

“With these improvements, and such others as zealous watchfulness and mature consideration may suggest, there can be but little doubt that, under an energetic administration of its affairs, the navy may soon be made every thing that the nation wishes it to be. Its efficiency in the suppression of piracy in the West Indian seas, and, wherever its squadrons have been employed, in securing the interests of the country, will appear from the report of the secretary, to which I refer you for other interesting details. Among these I would bespeak the attention of Congress for the views presented in relation to the inequality between the army and navy as to the pay of the officers. No such inequality should prevail between these brave defenders of their country; and, where it does exist, it is submitted to Congress whether it ought not to be rectified.

“The report of the postmaster-general is referred to, as exhibiting a highly satisfactory administration of that department. Abuses have been reformed; increased expedition in the transportation of the mail secured, and its revenue much improved. In a political point of view, this department is chiefly important as affording the means of diffusing knowledge. It is to the body politic what the veins and arteries are to the natural, conveying rapidly and regularly to the remotest parts of the system

correct information of the operations of the government, and bringing back to it the wishes and feelings of the people. Through its agency, we have secured to ourselves the full enjoyment of the blessings of a free press.

“In this general survey of our affairs, a subject of high importance presents itself in the present organization of the judiciary. An uniform operation of the federal government in the different States is certainly desirable; and existing, as they do in the Union, on the basis of perfect equality, each State has a right to expect that the benefits conferred on the citizens of others should be extended to her's. The judicial system of the United States exists in all its efficiency in only fifteen members of the Union; to three others the circuit courts, which constitute an important part of that system, have been imperfectly extended; and to the remaining six, altogether denied. The effect has been, to withhold from the inhabitants of the latter the advantages afforded (by the supreme court) to their fellow-citizens in other States in the whole extent, of the criminal, and much of the civil authority of the federal judiciary. That this state of things ought to be remedied, if it can be done consistently with the public welfare, is not to be doubted, neither is it to be disguised that the organization of our judicial system is at once a difficult and delicate task. To extend the circuit courts equally throughout the different parts of the Union, and at the same time to avoid such a multiplication of members as would encumber the supreme appellate tribunal, is the



object desired. Perhaps it might be accomplished by dividing the circuit judges into two classes, and providing that the supreme court should be held by those classes alternately, the chief justice always presiding.

“If an extension of the circuit court system to those States which do not now enjoy its benefits should be determined upon, it would of course be necessary to revise the present arrangement of the circuits; and even if that system should not be enlarged, such a revision is recommended.

“A provision for taking the census of the people of the United States will, to ensure the completion of that work within a convenient time, claim the early attention of Congress.

“The great and constant increase of business in the department of the state, forced itself, at an early period, upon the attention of the executive. Thirteen years ago it was, in Mr. Madison’s last message to Congress, made the subject of an earnest recommendation, which has been repeated by both of his successors; and my comparatively limited experience has satisfied me of its justness. It has arisen from many causes, not the least of which is the large addition that has been made to the family of independent nations, and the proportionate extension of our foreign relations. The remedy proposed was the establishment of a home department,—a measure which does not appear to have met the views of Congress, on account of its supposed tendency to increase gradually and imperceptibly the already too strong bias of the federal system towards the exercise of authority not dele-

gated to it. I am not, therefore, disposed to revive the recommendation; but am not the less impressed with the importance of so organizing that department, that its secretary may devote more of his time to our foreign relations. Clearly satisfied that the public good would be promoted by some suitable provision on the subject, I respectfully invite your attention to it.

“The charter of the bank of the United States expires in 1836, and its stockholders will, most probably, apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles, and such deep pecuniary interest, I feel that I cannot, in justice to the parties interested, too soon present it to the deliberate consideration of the legislature and the people. Both the constitutionality and the expediency of the law creating this bank, are well questioned by a large portion of our fellow citizens; and it must be admitted by all, that it has failed in the great end of establishing a uniform and sound currency.

“Under these circumstances, if such an institution is deemed essential to the fiscal operations of the government, I submit to the wisdom of the legislature, whether a national one, founded upon the credit of the government and its revenues, might not be devised, which would avoid all constitutional difficulties, and, at the same time, secure all the advantages to the government and country that were expected to result from the present bank.

“I cannot close this communication without bringing to your

view the just claim of the representatives of commodore Decatur, his officers and crew, arising from the re-capture of the frigate *Philadelphia*, under the heavy batteries of Tripoli. Although sensible, as a general rule, of the impropriety of executive interference under a government like ours, where every individual enjoys the right of directly petitioning Congress, yet, viewing this case as one of a very peculiar character, I deem it my duty to recommend it to your favourable consideration. Besides the justice of this claim, as corresponding to those which have been since recognized and satisfied, it is the fruit of a deed of patriotic and chivalrous daring, which infused life and confidence into our

infant navy, and contributed, as much as any exploit in its history, to elevate our national character. Public gratitude, therefore, stamps her seal upon it; and the meed should not be withheld which may hereafter operate as a stimulus to our gallant tars.

"I now commend you, fellow-citizens, to the guidance of Almighty God, with a full reliance on his merciful providence for the maintenance of our free institutions; and with an earnest supplication, that, whatever errors it may be my lot to commit, in discharging the arduous duties which have devolved on me, will find a remedy in the harmony and wisdom of your counsels.

"ANDREW JACKSON."

HISTORY AND BIOGRAPHY.

MEMOIR OF SIR HUMPHRY DAVY, BART. LL.D. F.R.S. M.R.I.A.
&c.

SIR HUMPHRY DAVY's father, Robert Davy, possessed a small piece of land opposite St. Michael's Mount, called Bartel, and followed the profession of a carver in wood; in the town and neighbourhood of Penzance there remain many specimens of his art; and among others several chimney-pieces, curiously embellished by his chisel. His mother's maiden name was Grace Millett.

Sir Humphry Davy was born at Penzance, in Cornwall, on the 17th of December, 1778. Having received the rudiments of a classical education under Dr. Cardew of Truro, he was placed with a respectable professional gentleman of the name of Tonkin, at Penzance, in order that he might acquire a knowledge of the profession of a surgeon and apothecary. His master, however, soon became dissatisfied with his new pupil: instead of attending to the duties of the surgery, Humphry was rambling along the sea shore, and often declaiming against the wind and waves, in order to overcome a defect in his voice, which, although only slightly perceptible in his maturer age, was, when a boy extremely discordant. At

length, a negotiation between the parents and the master commenced, with a view of releasing the parties from their engagement; and Humphry returned home. It is, however, but fair to state, that he always entertained the highest respect for Mr. Tonkin, and never spoke of him but in terms of affectionate regard.

A person, endowed with the genius and sensibilities of Davy, would naturally have his mind directed to the study of mineralogy and chemistry by the nature and scenery of the country in which accident had planted him. Many of his friends and associates must have been connected with mining speculations; shafts, cross courses, lodes, &c. were words familiarised to his ears; he could not wander along the rocky coast, nor repose for a moment to contemplate its wild scenery, without being invited to geological inquiry by the genius of the place. "How often when a boy," said sir Humphry to a friend, upon shewing him a view of Botallack Mine, "have I wandered about those rocks in search after new minerals, and when tired, sat down upon those crags, and exercised my

fancy in anticipations of scientific renown !”

Such scenery also, in one who possessed a quick sensibility to the sublime forms of nature, was well calculated to kindle that enthusiasm so essential to poetical genius. It accordingly appears that Davy, when only nine years old, began to compose a poem on the Land's End; in which he powerfully describes the magnificence of its convulsed scenery, the ceaseless roar of the ocean, the wild shrieks of the cormorant, and those “caves where sleep the haggard spirits of the storm.” This bias he cultivated till his fifteenth year, when he became the pupil of Mr. (since Dr.) Borlase of Penzance, an ingenious surgeon, intending to prepare himself for graduating as a physician at Edinburgh. At this early age Davy laid down for himself a plan of education, which embraced the circle of the sciences; and by his eighteenth year he had acquired the rudiments of botany, anatomy, and physiology, the simpler mathematics, metaphysics, natural philosophy, and chemistry. But chemistry soon arrested his whole attention. As far as can be ascertained, the first original experiment performed by him at Penzance was for the purpose of investigating the nature of the air contained in the bladders of sea-weed. His instruments were of the rudest description, manufactured by himself out of the motley materials which fell in his way: the pots and pans of the kitchen were appropriated without ceremony, and even the phials and gallipots of his master were without the least remorse put in requisition. A French vessel

having been wrecked near the Land's End, the surgeon became acquainted with young Davy, and, in return for some kind offices, presented him with his case of surgical instruments. The contents were eagerly turned out and examined; not, however, with any professional view of their utility, but in order to ascertain how far they might be convertible to philosophical purposes. The old-fashioned and clumsy clyster-apparatus was viewed with exultation, and seized with avidity; and, in the brief space of an hour, was converted into a complicated piece of pneumatic apparatus. Had Davy, in the commencement of his career, been furnished with all those appliances which he enjoyed at a later period, it is more than probable that he might never have acquired that wonderful tact of manipulation, that ability of suggesting expedients, and of contriving apparatus, so as to meet and surmount the difficulties which must constantly arise during the progress of the philosopher through the unbeaten tracks and unexplored regions of science. In this art Davy certainly stood unrivalled; and, like his prototype Scheele, he was unquestionably indebted for his address to the narrowness of his original circumstances.

The next prominent occurrence in Davy's life was his introduction to Mr. Davies Giddy, now Mr. Gilbert, the present distinguished and popular president of the Royal Society. Mr. Gilbert's attention was, from some trivial cause, attracted to the young chemist, as he was carelessly lounging over the gate of his father's house. A person in the company of Mr. Gilbert observed, that the boy in

question was young Davy, who was much attached to chemistry. "To chemistry!" said Mr. Gilbert; "if that be the case I must have some conversation with him." Mr. Gilbert soon discovered ample proofs of genius in the youth; and offered him the use of his library, or any other assistance that he might require, for the prosecution of his studies.

Another circumstance occurred, which afterwards contributed to introduce Davy to notice. Mr. Gregory Watt, who had long been an invalid, was recommended by his physicians to reside in the West of England; and he accordingly went to Penzance, lodged with Mrs. Davy, and became acquainted with her son. Before the formation of the Geological Society of London, geologists were divided into two great parties,—Neptunists, and Plutonists; the one affirming that the globe was indebted for its form and arrangement to the agency of water, the other to that of fire. It so happened, that the professors of Oxford and Cambridge ranged themselves under opposite banners: Dr. Beddoes was a violent and uncompromising Plutonist, while professor Hailstone was as decided a Neptunist. The rocks of Cornwall were appealed to as affording support to either theory; and the two professors, adverse in opinion, but united in friendship, determined to proceed together to the field of dispute, each hoping that he might thus convict the other of his error. The geological combatants arrived at Penzance; and Davy became known to them, through the medium of Mr. Gilbert. Mr. Watt was enthusiastic in his praise; and Dr. Beddoes

having just established at Bristol his "Pneumatic Institution," for the purpose of investigating the medical powers of the different gases, he proposed to Mr. Davy, who was then only nineteen years of age, and had prepossessed the professor in his favour by an essay propounding a new theory of heat and light, to undertake the superintendence of the necessary experiments. This proposal Davy eagerly accepted.

Such were the circumstances that first extricated Davy from the obscurity of his native town, and paved the way to an eminence which but very few philosophers in this or any other country have been able to attain. Davy was now constantly engaged in the prosecution of new experiments; in the conception of which, as he himself candidly informs us, he was greatly aided by the conversation and advice of his friend Dr. Beddoes. He was also occasionally assisted by Mr. W. Clayfield, a gentleman ardently attached to chemical pursuits, and whose name is not unknown in the annals of science; indeed it appears that to him Davy was indebted for the invention of a mercurial air-holder, by which he was enabled to collect and measure the various gases submitted to examination. In the course of these investigations, the respirability and singularly intoxicating effects of *nitrous oxide* were first discovered; which led to a new train of research concerning its preparation, composition, properties, combinations, and physiological action on living beings; inquiries which were extended to the different substances connected with *nitrous oxide*, such as *nitrous*

gas, nitrous acid, and ammonia; when, by multiplying experiments, and comparing the facts they disclosed, Davy ultimately succeeded in reconciling apparent anomalies; and, by removing the greater number of those difficulties which had obscured this branch of science, was enabled to present a clear and satisfactory history of the combinations of Oxygen and Nitrogen.

These interesting results were published in a separate volume, entitled "*Researches, Chemical and Philosophical, chiefly concerning Nitrous Oxide and its respiration*;" by Humphry Davy, Superintendant of the Medical Pneumatic Institution." Of the value of this production, the best criterion is to be found in the admiration which it excited; its author was barely twenty-one years old, and already he was hailed as a genius of high promise in science.

Before the impression produced on the scientific world had subsided, count Rumford was seeking for some rising philosopher, who might fill the chemical chair of the recently-established institution of Great Britain;—Davy was proposed, and immediately elected.

The crowds that repaired to the Institution were, day after day, gratified by newly-devised and instructive experiments, performed with the utmost address, and explained in language at once the most intelligible and the most eloquent. He brought down Science from those heights which were before accessible only to a few, and placed it within the reach of all. He divested the goddess of all her severity of aspect, and represented her as attired by the Graces. It has been said, that

his style was too florid and imaginative for communicating the plain lessons of truth. But it must be considered that the class of persons to whom Davy addressed himself were composed of the gay and the idle, who could be tempted to admit instruction only by the prospect of receiving pleasure.

On obtaining the appointment of professor at the Royal Institution, Mr. Davy gave up all his views of the medical profession, and devoted himself entirely to chemistry.

In 1802, Mr. Davy, having been elected professor of chemistry to the Board of Agriculture, commenced a series of lectures before its members; which he continued to deliver every successive session for ten years, modifying and extending their views, from time to time, in such a manner as the progress of chemical discovery required. These discourses were published in the year 1813, at the request of the president and members of the board; and they form the only complete work we possess on the subject of agricultural chemistry.

In the year 1803, Davy was elected a fellow of the Royal Society; he subsequently became its secretary, and lastly its president; and during a period of five and twenty years, he constantly supplied its Transactions with papers.

The first memoir presented to the Royal Society by Mr. Davy, was read on the 18th of June 1801; and is entitled, "*An Account of some Galvanic combinations, formed by the arrangement of Single Metallic Plates and Fluids, analogous to the new Galvanic Apparatus of Volta*;" by

Mr. Humphry Davy, Lecturer on Chemistry in the Royal Institution; communicated by Benjamin, count of Rumford, V.P.R.S." In order to appreciate the value of this paper, it must be remembered, that the agencies of two metals in exciting galvanic phenomena were at that time supposed to be directly connected with the different powers of such metals to conduct electricity. Davy was the first philosopher who corrected this error, and, in the paper before us, showed that the evolution of galvanic energy was connected with chemical action; an inference which he deduced from some experiments, by which he found that an accumulation of galvanic influence (exactly similar to that in the common pile where two metals are used) might be produced by the arrangement of single metals, with different strata of fluids. This theory he established by a great variety of experiments, and showed that the alternation of two metals with fluids was no further necessary to the production of accumulated galvanic influence, than as it furnished two conducting surfaces of different degrees of oxidability; and that this production would take place, if single metallic plates were connected together by different fluids, in such a manner that one of their surfaces only should undergo oxidation, the arrangement being regular. He moreover ascertained that many of these arrangements could be made active not only when oxidation, but likewise when other chemical changes were going on in some of their parts. Here, then, appeared the dawn of the electro-chemical theory. The main fact stated in

Davy's paper, namely, the relation between the energy of the pile and the oxidation of one of its metals by the interposed fluid, was readily admitted; but a question arose, whether the oxidation, instead of being the primary cause, might not be the effect of the electricity, set in motion by the contact of metals, endowed with different conducting powers. Upon this occasion, with an alacrity corresponding with the importance of the subject, Dr. Wollaston appeared in the arena, and at the meeting succeeding that at which Davy's paper was read, related to the society a series of experiments, which fully confirmed the views of Davy, and set the question for ever at rest. This fact illustrates some of the most prominent features in the scientific character of Wollaston—the quickness of his perception, the solidity of his judgment, and, above all, the liberality and candour with which he lent his powerful aid for the promotion and advantage of a rival philosopher.

An interval of nearly five years now elapsed before Davy threw any further light upon this branch of science; but his energies had not slumbered; he had been engaged in experiments of the most arduous and complicated description; and in presenting their results, he unfolded the mysteries of Voltaic action, and, as far as its theory goes, might almost be said to have perfected our knowledge of the galvanic pile. The memoir in which these discoveries were announced constituted the Bakerian lecture; and was read before the Royal Society on the 20th November, 1806. It had been observed, during some of

the earliest chemical experiments with the Voltaic pile, that when the purest water was submitted to the action of a current of electricity, acid and alkaline matter was separated at the opposite electrified surfaces. A fact so extraordinary necessarily excited various conjectures; and many believed that the bodies were actually generated by the action of the pile. Davy, however, soon negatived so unphilosophical a conclusion, and showed that they merely arose from the decomposition of the materials employed: he found, for instance, that the glass vessel, at its point of contact with the wire, was corroded; a fact which sufficiently explained the source of the alkali; while the animal or vegetable materials, employed as conductors, might be readily supposed to furnish the acid. He accordingly proceeded to work with cups of agate; and, at the suggestion of Dr. Wollaston, who again acted as a Mentor, he formed the connecting parts of well-washed asbestos. Thus then was every source of fallacy connected with the apparatus removed; but still the same production of saline matter appeared. What could be its origin? He repeated the experiments in cups of gold, and examined the purity of his water by evaporation in vessels of silver. At length he succeeded in recognising the source of this matter: it was of foreign origin, partly derived from the contents of the water, and partly from new combinations of gaseous matter. This was curious, but, after all, a discovery in itself of insignificant value, when compared with those which immediately flowed from it. The acid and alkaline matter then

produced, it has been already stated, collected in the water round opposite poles; the former always appearing at the positively electrified, the latter at the negatively electrified, surface. Was this a universal law? It was necessary to decide this question by more extended inquiries. The first series of experiments which he instituted for this purpose, embraced the decomposition of solid bodies, insoluble, or difficultly soluble in water. From the effects of the electrical agency on glass, already mentioned, he very reasonably expected that various earthy compounds might thus undergo changes under similar circumstances; and his conclusion was just. From sulphate of lime he obtained sulphuric acid in the positive, and a solution of lime in the negative cup. These experiments were extended to a great variety of other compounds, such as sulphate of strontia, fluuate of lime, sulphate of baryta, &c. and with parallel results. Having thus far established the general law, he proceeded to inquire into the mode and circumstances under which these constituent parts were transferred to their respective poles; and he discovered, first, that acid and alkaline bodies, during the time of their electrical transfer, would pass through water containing vegetable colours, without affecting them or combining with them; and, secondly, that such bodies would even pass through chemical menstrua having stronger attractions for them, thereby showing that the same power which destroyed elective affinity in the vicinity of the metallic points, would likewise destroy or suspend its operation,

throughout the whole of its circuit. In 1807, this Bakerian lecture, in despite of national prejudice and national vanity, was crowned by the Institute of France with the prize of Napoleon.

The discovery of the composition of the fixed alkalies, was announced in Davy's second Bakerian lecture, read before the Royal Society in 1807, and was the direct result of an application of the laws of Voltaic decomposition, developed in his lecture of the preceding year. Davy submitted a fixed alkali to the most intense action of the galvanic pile, believing that if it contained any hydrogen, or other inflammable basis, it would be separated at its negative extremity, and if any oxygen, that it would appear at the opposite end. His first attempts were made on solutions of the alkalies; but, notwithstanding the intensity of the electric action, the water alone was decomposed, oxygen and hydrogen being disengaged with violent effervescence, and transferred to their respective poles. The presence of water thus appearing to prevent the desired decomposition, potass, in a state of igneous fusion, was submitted to experiment; when it was immediately evident that combustible matter of some kind, burning with a vivid light, was given off at the negative wire. After various trials, during the progress of which the numerous difficulties which successively arose were as immediately combated by ingenious manipulation, a small piece of potass, sufficiently moistened by the breath to impart to it a conducting power, was placed on an insulated disc of platina, and con-

nected with the negative side of the battery in a state of intense activity, and a platina wire, communicating with the positive side, was at the same instant brought into contact with the upper surface of the alkali. What followed?—A series of phenomena, in strict accordance with those laws which Davy had previously discovered. The potass began to fuse at both its points of electrization; a violent effervescence commenced at the upper or positive surface, while at the lower or negative, instead of any liberation of elastic matter, which must have happened had hydrogen been present, small globules, having the appearance of quicksilver, were disengaged, some of which were no sooner formed than they burnt with explosion and bright flame.

The gaseous matter developed at the positive pole, was soon identified as oxygen; but to collect the metallic matter at the opposite extremity, in a sufficient quantity for a satisfactory examination, was not so easy; for such was its attraction for oxygen, that it speedily reverted to the state of alkali by re-combining with it. After various trials, Davy found that recently-distilled naphtha presented a medium in which it might be preserved, by covering the metal with a thin transparent film of fluid, which defended it from the action of the air, and at the same time allowed an accurate examination of its physical qualities. Thus provided, he proceeded to investigate the properties of the body; giving to it the name of potassium. It is a white metal, instantly tarnishing by exposure to air; at the temperature of 70° Fahrenheit, it exists in

small globules, which possess the metallic lustre, opacity, and general appearance of mercury; so that when a globule of mercury is placed near one of potassium, the eye cannot discover any difference between them. At this temperature, however, the metal is only imperfectly fluid; but when gradually heated, it becomes more and more fluid; and at 150° , its fluidity is so perfect, that several globules may easily be made to run into one. By reducing its temperature, it becomes at 50° a soft and malleable solid, which has the lustre of polished silver; it is soft enough, indeed, to be moulded like wax. At about the freezing point of water, it becomes hard and brittle, and exhibits, when broken, a crystallized texture of perfect whiteness and high metallic splendour. It is also a perfect conductor of both electricity and heat. But instead of possessing the ponderosity usual in metallic bodies, it is so light as to swim not only upon the surface of water, but upon that of naphtha, by far the lightest fluid in nature. Thrown upon water, it instantly decomposes the fluid, and an explosion is produced with a vehement flame: an experiment which is rendered more striking if, for water, ice be substituted. In this latter case it instantly burns with a bright flame, and a deep hole is made in the ice, filled with a fluid, which is found to be a solution of potass. It is scarcely necessary to state that this phenomenon depends upon the very powerful affinity which the metal possesses for oxygen, enabling it even to separate it from its most subtle combinations. The evidence afforded of the nature of the fixed

alkali, potass, is thus rendered complete. It is a metallic oxide, or, in other words, a body composed of oxygen, and a metal of the most singular description, so light as to swim upon water, and so inflammable as to catch fire by contact with ice!

The decomposition of the fixed alkali placed in the hands of the experimentalist a new instrument of analysis, scarcely less energetic, or of less universal application, than the power from which the discovery emanated. So strong is the affinity of potassium for oxygen, that it discovers and decomposes the small quantities of water contained in alcohol and ether. But, perhaps, the most beautiful illustration of its de-oxidizing power, is shown in its action on fixed air, or carbonic acid; when heated in contact with that gas, it catches fire, and by uniting with its oxygen becomes potass, while the liberated carbon is deposited in the form of charcoal.

Upon submitting soda to the electric battery, under circumstances such as those we have already described, a bright metal was obtained, similar in its general character to potassium, but possessing distinctive peculiarities, which it is not necessary to detail; to this substance Davy gave the name of sodium.

These important discoveries were followed up by an investigation into the nature of the earths; and the results were communicated in a paper, read before the Royal Society on the 30th of June, in the same year. This investigation required still more refined and complicated processes than those which had succeeded with the fixed alkalies, owing to the in-

fusible nature of the earths; the strong affinity of their bases for oxygen made it unavailing to act upon them in solution in water; and the only methods that proved successful, were those of operating upon them by electricity in some of the combinations, or of combining them at the moment of their decomposition by electricity, in metallic alloys, so as to obtain evidences of their nature and properties.

Sir Humphry Davy's Bakerian lecture of 1808, entitled, "An Account of some new Analytical Researches on the Nature of certain Bodies, particularly the Alkalies, Phosphorus, Sulphur, Carbonaceous Matter, and the Acids hitherto undecomposed; with some general Observations on Chemical Theory," abounded in elaborate experiments with the Voltaic apparatus, made with the hope of extending our knowledge of the principles of bodies, by the new powers and methods arising from the application of electricity; and announced the decomposition of boracic acid, and the development of its inflammable base at the negative surface of the battery.

The similarity of the laws of electrical and magnetical attraction had long excited the attention of the philosopher, and numerous had been the attempts to establish the existence of an identity, or intimate relation, between these two forces; but little light had been thrown upon the subject before the year 1819, when M. Oersted, secretary to the Royal Society of Copenhagen, published an account of some experiments exhibited in his lecture before the University, by which it was demonstrated that the magnetic

needle was moved from its position by the action of the galvanic apparatus. These experiments, unlike all preceding ones, were made with the two ends of the pile in communication with each other; to which circumstance are to be attributed the novel results that followed. In pursuing the investigation with a more powerful battery, M. Oersted fully ascertained that the phenomena exhibited by the needle did not depend upon electrical attraction and repulsion, for its movements were wholly at variance with such an explanation; they must depend, then, upon the production of a new energy, generated by the action of the two electricities thus brought into conflict, and which, if not identical with, must be nearly related to magnetism! It moreover appeared probable, from the motions of the magnet, when differently placed with regard to the conjunctive wire, or that wire by which the opposite ends of the battery were connected, that this energy circulated, or performed a circular movement around the axis of the conductor, and thus drove the magnetic pole towards the east or west, according to the direction of the needle with reference to such a current. No sooner had this extraordinary discovery been announced in this country, than sir Humphry Davy proceeded to repeat the experiments, and with his characteristic talent, to vary and extend them. The nature and limits of this memoir will not allow us to follow him; it is sufficient to say, that he obtained new results, and expanded the views which Oersted had opened. He particularly investigated the magnetizing powers

of the conjunctive wires, and the circumstances under which they became effective; he found, for instance, that if a small steel bar be attached to the conjunctive wire, and parallel to it, it does not become a polar magnet; but that, if it be attached transversely, it does become polar, and that it becomes north and south, or south and north, according to the direction of the supposed electric current traversing the conjunctive wire, as one or the other end of it may be positive or negative. "In viewing these phenomena," says sir Humphry, "a number of curious speculations cannot fail to present themselves to every philosophical mind; such as, whether the magnetism of the earth may not be owing to its electricity, and the variation of the needle to the alterations in the electrical currents of the earth, in consequence of its motions, internal chemical changes, or its relations to solar heat; and whether the luminous effects of the auroras at the poles are not shown by these new facts to depend on electricity." It is certainly evident, that, if strong electrical currents be supposed to follow the apparent course of the sun, the magnetism of the earth ought to be such as it is actually found to be; and to afford a popular illustration of this theory, sir Humphry directed a sphere to be constructed, in which arrangements were made for passing the electricities, from the two ends of the battery, in the direction of the ecliptic, upon which the poles were found to become magnetic.

Sir H. Davy's method for preventing the corrosion of the copper sheathing of ships by sea-water,

being founded upon Voltaic principles, must be considered as properly falling under the head of his electrical researches. It appears that the Commissioners of the Navy, impressed with the evil arising from the destructive influence of sea-water upon the copper sheathing of ships of war, applied to the Council of the Royal Society, in the hope that some plan might be suggested for arresting, if not preventing, the decay of so expensive an article. Sir H. Davy charged himself with the inquiry; and presented its results in a paper which was read before the society on the 22nd of January, 1824, and which was continued in another communication dated 17th of June, 1824, and concluded in a third, read 9th of June, 1825. We shall endeavour to put the reader in possession of the principle facts elicited by this inquiry. Davy had advanced the hypothesis, that chemical and electrical changes were identical, or dependent upon the same property of matter; and he had shown that chemical attractions may be exalted, modified, or destroyed, by changes in the electrical states of bodies; that substances will combine only when they are in different electrical states; and that, by bringing a body, naturally positive, artificially into a negative state, its usual powers of combination are altogether destroyed: it was, in short, by an application of this very principle that he decomposed the alkalies; and it was from the same energetic instrumentality that he now sought a remedy for the rapid corrosion of copper sheathing. Let us see how dexterously he grappled with

the difficulties of his subject. When a piece of polished copper is suffered to remain in sea-water, the first effects are, a yellow tarnish upon the surface, and a cloudiness in the water, which take place in two or three hours: the hue of the cloudiness is at first white, and it gradually becomes green. In less than a day a bluish-green precipitate appears in the bottom of the vessel, which constantly accumulates; this green matter appears principally to consist of an insoluble compound of copper (a *sub-muriate*) and hydrate of magnesia. Reasoning upon these phenomena, Davy arrived at the conclusion that copper could act upon sea-water only when in a positive state; and since that metal is only weakly positive in the electro-chemical scale, he considered that, if it could be only rendered slightly negative, the corroding action of sea-water upon it would be null. But how was this to be effected? At first, he thought of using a Voltaic battery; but this could hardly be applicable in practice: he next thought of the contact of zinc, tin, or iron; but he was prevented for some time from trying this, by the recollection that the copper in the Voltaic battery, as well as the zinc, was dissolved by the action of dilute nitric acid; and by the fear that too large a mass of oxidable metal would be required to produce decisive results. After reflecting, however, for some time on the slow and weak action of sea-water on copper, and the small difference which must exist between their electrical powers, and knowing that a very feeble chemical action would be destroyed by a very feeble electrical force, he

was encouraged to proceed; and the results were of the most satisfactory kind. A piece of zinc, as large as a pea, or the point of a small iron nail, was found fully adequate to preserve forty or fifty square inches of copper; and this, wherever it was placed, whether at the top, bottom, or in the middle of the sheet of copper, and whether the copper was straight or bent, or made into coils. And where the connection between the different pieces of copper was completed by wires, or thin filaments of the fortieth or fiftieth of an inch in diameter, the effect was the same; every side, every surface, every particle of the copper remained bright, whilst the iron, or the zinc, was slowly corroded. A piece of thick sheet copper, containing, on both sides, about sixty square inches, was cut in such a manner as to form seven divisions, connected only by the smallest filaments that could be left, and a mass of zinc, of the fifth of an inch in diameter, was soldered to the upper division. The whole was plunged under sea-water; the copper remained perfectly polished. The same experiment was made with iron; and after the lapse of a month, in both instances, the copper was found as bright as when it was first introduced, whilst similar pieces of copper, undefended, in the same sea-water, underwent considerable corrosion, and produced a large quantity of green deposit in the bottom of the vessel. Numerous other experiments were performed, and with results equally conclusive of the truth of the theory which had suggested them. It remained only that the experiments should

be conducted on a large scale. The lords commissioners of the Navy accordingly gave sir Humphry permission to ascertain the practical value of his discovery by trials upon ships of war; and the results, to use his own expression, even surpassed his most sanguine expectations. Sheets of copper, defended by from 1-40th to 1-1000th part of their surface of zinc, malleable and cast iron, were exposed, for many weeks, in the flow of the tide in Portsmouth harbour, their weights having been ascertained before and after the experiment. When the metallic protector was from 1-40 to 1-110, there was no corrosion nor decay of the copper; with small quantities it underwent a loss of weight. The sheathing of boats and ships, protected by the contact of zinc, cast and malleable iron in different proportions, compared with that of similar boats and sides of ships unprotected, exhibited bright surfaces, whilst the unprotected copper underwent rapid corrosion, becoming first red, then green, and losing a part of its substance in scales. Is it not, then, a fact, established beyond all controversy, that small quantities of electro-positive metals will prevent the corrosion or chemical changes of copper exposed to sea-water; and that the results appear to be of the same kind, whether the experiments are made upon a minute scale, and in confined portions of water, or on large masses, and in the ocean? How, then, has it happened, that this scheme of protection has not been adopted? Simply, because, in overcoming one evil, another has been created; by protecting the copper, the accumulation of sea-weeds and ma-

rine insects has been favoured, and the ships, thus defended by iron or zinc, have become so foul, as scarcely to continue navigable. This would seem to depend upon several causes, especially upon the deposition of saline and calcareous matter, arising from the decomposition of marine salts. Whether or not his principles can be rendered subservient to the protection of copper sheathing, it must at least be admitted, that the results obtained by him are of the most interesting description, and capable of various useful applications. By introducing a piece of zinc, or tin, into the iron boiler of the steam-engine, we may prevent the danger of explosion, which generally arises, especially where salt-water is used, as in those of steam-boats, from the wear of one part of the boiler. Another important application is in the prevention of the wear of the paddles, or wheels, which are rapidly dissolved by salt water. Mr. Pepys has extended the principle, for the preservation of steel instruments, by guards of zinc; and razors and lancets have been thus defended with perfect success.

In the year 1805, Mr. Davy was elected a member of the Royal Irish Academy; and towards the close of the year 1810, he delivered a course of lectures before the Dublin Society, and received from Trinity College, Dublin, the honorary degree of LL.D.

In 1812 Mr. Davy married. The object of his choice was Jane, daughter and heiress of Charles Kerr, of Kelso, esq., and widow of Shuckburgh Ashby Apreece, esq., eldest son of the present sir Thomas Hussey Apreece, bart.

By his union with this lady, Mr. Davy acquired a considerable fortune. On the 9th of April, only two days previously to his marriage, he received the honour of knighthood from the Prince Regent, being the first person on whom his Royal Highness conferred that dignity.

The frequency of accidents, arising from the explosion of the fire-damp, or inflammable gas, of the coal mines, mixed with atmospheric air, occasioned the formation of a committee at Sunderland, for the purpose of investigating the causes of these calamities, and of endeavouring to discover and apply a preventive. Sir Humphry received an invitation, in 1815, from Dr. Gray, one of the members of the committee; in consequence of which he went to the north of England, and visiting some of the principal collieries in the neighbourhood of Newcastle, soon convinced himself that no improvement could be made in the mode of ventilation, but that the desired preventive must be sought in a new method of lighting the mines, free from danger, and which, by indicating the state of the air in the part of the mine where inflammable air was disengaged, so as to render the atmosphere explosive, should oblige the miners to retire till the workings were properly cleared. The common means then employed for lighting the dangerous part of the mines consisted of a steel wheel revolving in contact with flint, and affording a succession of sparks: but this apparatus always required a person to work it, and was not entirely free from danger. The fire-damp was known to be light car-

buretted hydrogen gas: but its relations to combustion had not been examined. It is chiefly produced from what are called blowers or fissures in the broken strata, near dykes. Sir Humphry made various experiments on its combustibility and explosive nature; and discovered, that the fire-damp requires a very strong heat for its inflammation; that azote and carbonic acid, even in very small proportions, diminished the velocity of the inflammation; that mixture of the gas would not explode in metallic canals or troughs, where their diameter was less than one seventh of an inch, and their depth considerable in proportion to their diameter; and that explosions could not be made to pass through such canals, or through very fine wire sieves, or wire gauze. The consideration of these facts led sir Humphrey to adopt a lamp, in which the flame, by being supplied with only a limited quantity of air, should produce such a quantity of azote and carbonic acid as to prevent the explosion of the fire-damp, and which, by the nature of its apertures for giving admittance and egress to the air, should be rendered incapable of communicating any explosion to the external air. These requisites were found to be afforded by air-tight lanterns, of various constructions, supplied with air from tubes or canals of small diameter, or from apertures covered with wire-gauze, placed below the flame, through which explosions cannot be communicated, and having a chimney at the upper part, for carrying off the foul air. Sir Humphry soon afterwards found that a constant flame might be kept up from the

explosive mixture issuing from the apertures of a wire-gauze sieve. He introduced a very small lamp in a cylinder, made of wire-gauze, having six thousand four hundred apertures in the square inch. He closed all apertures except those of the gauze, and introduced the lamp, burning brightly within the cylinder, into a large jar, containing several quarts of the most explosive mixture of gas from the distillation of coal and air; the flame of the wick immediately disappeared, or rather was lost, for the whole of the interior of the cylinder became filled with a feeble but steady flame of a green colour, which burnt for some minutes, till it had entirely destroyed the explosive power of the atmosphere. This discovery led to a most important improvement in the lamp, divested the fire-damp of all its terrors, and applied its powers, formerly so destructive, to the production of a useful light. Some minor improvements, originating in sir Humphry's researches into the nature of flame, were afterwards effected. Experiments of the most satisfactory nature were speedily made, and the invention was soon generally adopted. Some attempts were made to dispute the honour of this discovery with its author, but his claims were confirmed by the investigations of the first philosophers of the age. The coal-owners of the Tyne and Wear evinced their sense of the benefits resulting from this invention, by presenting sir Humphry with a handsome service of plate, worth nearly 2,000*£*, at a public dinner at Newcastle, October 11th, 1817.

In 1813, sir Humphry was elected a corresponding member

of the Institute of France, and vice-president of the Royal Institution. He was created a baronet, October 20, 1818. In 1820, he was elected a foreign associate of the Royal Academy of Sciences at Paris, in the room of his countryman Watt; and in the course of a few years, most of the learned bodies in Europe enrolled him among their members.

Much of this period of his life was spent in visiting different parts of Europe for scientific purposes. He analysed the colours used in painting by the ancient Greek and Roman artists. His experiments were chiefly made on the paintings in the baths of Titus, the ruins called the baths of Livia, in the remains of other palaces and baths of ancient Rome, and in the ruins of Pompeii. By the kindness of his friend Canova, who was charged with the care of the works connected with ancient art in Rome, he was enabled to select, with his own hands, specimens of the different pigments that had been found in vases discovered in the excavations which had been lately made beneath the ruins of the palace of Titus, and to compare them with the colours fixed on the walls, or detached in fragments of stucco. The results of all these researches were published in the Transactions of the Royal Society for 1815. On his examination of the Herculaneum manuscripts at Naples, in 1818-19, he was of opinion they had not been acted upon by fire, so as to be completely carbonized, but that their leaves were cemented together by a substance formed during the fermentation and chemical change of ages. He invented a composition for the solution of

this substance, but he could not discover more than 100 out of 1265 manuscripts, which presented any probability of success.

Sir Humphry returned to England in 1820, and in the same year sir Joseph Banks, President of the Royal Society, died. Several discussions took place respecting a proper successor. Amongst the philosophers whose labours had enriched the Transactions of the Royal Society, two were most generally adverted to, sir Humphry Davy and Dr. Wollaston; but Dr. Wollaston, who had received from the council of the Society the unanimous compliment of being placed in the chair till the election by the body in November, declined any competition with his friend sir Humphry Davy. Sir Humphry retained his seat as President till the year 1827, when, in consequence of procrastinated ill health, he was induced, by medical advice, to retire to the Continent. He accordingly resigned his seat as President of the Royal Society, the chair being filled, *pro temp.* by Davies Gilbert, Esq. who at the anniversary meeting, Nov. 30, 1827, was unanimously elected President.

During his retirement on the Continent, sir Humphry continued to communicate the results of his labours to the Royal Society; and at the anniversary meeting of the year 1827, one of the royal medals was awarded to him for his discoveries developing the relation between electricity and chemistry.

Sir Humphry Davy was, in every respect, an accomplished scholar, and was well acquainted with foreign languages. He always retained a strong taste for

literary pleasures; and his philosophical works are written in a perspicuous and popular style, by which means he has contributed more to the diffusion of scientific knowledge than any other writer of his time. His three principal works are "Chemical and Philosophical Researches," "Elements of Chemical Philosophy," and "Elements of Agricultural Chemistry," and the two last are excellently adapted for elementary study. His numerous pamphlets and contributions to the Transactions of the Royal Society have the same rare merit of conveying experimental knowledge in the most attractive form, and thus reducing abstract theory to the practice and purposes of life and society. The results of his investigations and experiments were not, therefore, pent up in the laboratory or lecture-room where they were made, but by this valuable mode of communication, they have realised, what ought to be the highest aim of science, the improvement of the condition and comforts of every class of his fellow-creatures.

Sir Humphry spent nearly the whole of the summer of 1828 in fowling and fishing in the neighbourhood of Laybach; and it has been related by a gentleman who accompanied him on a shooting excursion, that the relative weight of the various parts of each bird, the quantity of digested and undigested food, &c. were carefully noted down by the observant naturalist. It is believed that he was preparing for a large work on natural history. In the same year he published "Salmonia, or Days of Fly-fishing."

The great philosopher closed

his mortal career at Geneva. He had arrived in that city only the day before, namely, Friday, the 29th of May, 1829; having performed his journey from Rome by easy stages, without feeling any particular inconvenience, and without any circumstances which denoted so near an approach to the payment of the last debt of nature. During the night, however, he was attacked with apoplexy; and he expired at three o'clock on the morning of the 30th. Sir Humphry had been for some months a resident at Rome, where he had had a serious and alarming attack of a paralytic nature, but from which he was apparently, though slowly, recovering; although his most sanguine friends hardly ventured to hope that his valuable life would be much longer preserved. Lady Davy had joined him in Rome, on hearing of his alarming state, as had also his brother, Dr. John Davy, physician to the forces in Malta.

The event was no sooner known than his widow received the condolences and affectionate offers of services of the most distinguished individuals of Geneva; amongst whom were M. A. de Candolle the eminent botanist, and M. Sismondi the historian; both equally beloved for their amiable character, and illustrious throughout Europe for their works. M. de Candolle took charge of all the details of the interment; and the government of the canton, the academy of Geneva, the consistory of the Genevan church, and the Societies of Arts, and of Natural Philosophy and History, together with nearly all the English residents, accompanied the

remains to the burying-ground, where the English service was performed by the rev. John Magers, of Queen's College, and the rev. Mr. Burgess. The members of the academy took their place in the funeral procession; and the invitations to the Syndicate, and to the learned bodies who accompanied it, were made by that body.

The procession which followed the corporate bodies, and the countrymen of the deceased, was joined by many of the most eminent manufacturers of the city, and a large body of mechanics, who were anxious to pay this tribute of regard and of gratitude for one whom they deservedly looked upon as a great benefactor to the arts, and promoter of the sciences, by the application of which they earned their livelihood.

Sir Humphry having died without issue, his baronetcy has become extinct. The "allusive" arms assigned to him by the heralds, are, sable, a chevron engrailed erminois between two annulets in chief or, and in base a flame proper, encompassed by a chain sable, issuant from a civic wreath or. Crest: out of a civic wreath or, an elephant's head sable, ear or, tusks argent, the proboscis attached by a line to a ducal coronet around the neck or. Motto, *Ignē constrictō vitā securā.*

The following is a list of the works of which sir Humphry Davy was the author:—

Chemical and Philosophical Researches, chiefly concerning Nitrous Oxide and its respiration. 1800, 8vo.—A Syllabus of a Course of Lectures on Chemistry at the Royal Institution. 1802, 8vo.—A Discourse, introductory to a Course of Lectures on Chemistry.

1802, 8vo. — Electro - Chemical Researches on the Decomposition of the Earths; with Observations on the Metals obtained from the Alkaline Earths, and an Amalgam procured from Ammonia.—Lecture on a Plan for improving the Royal Institution, and making it permanent. 1810, 8vo.—Elements of Chemical Philosophy. 1812, 8vo.—Elements of Agricultural Chemistry, in a Course of Lectures before the Board of Agriculture. 1813, 4to. and 8vo.—Practical Hints on the Application of Wire Gauze to Lamps, for preventing Explosions in Coal Mines. 1816, 8vo.—Six Discourses delivered before the Royal Society, at their Anniversary Meetings, on the Award of the Royal and Copley Medals; preceded by an Address to the Society, delivered in 1800, on the Progress and Prospects of Science. 4to.

The following chronological series will show the number and value of the articles contributed by sir Humphry to the Philosophical Transactions:—

Account of some Galvanic Combinations formed by the Arrangement of single Metallic Plates and Fluids, analogous to the new Galvanic Apparatus of M. Volta. 1801.—Account of some Experiments and Observations on the constituent Parts of certain astringent Vegetables, and on their Operation in Tanning. 1803.—An Account of some analytical Experiments on a Mineral Production from Devonshire, consisting principally of Alumine and Water. 1805.—On a Method of analysing Stones, containing fixed Alkali, by means of the Boracic Acid. 1805.—The Bakerian Lecture on some Chemical Agencies of Electricity. 1807.—The Bakerian Lecture on some new Phenomena of Chemical Changes produced by Electricity, particularly the Decomposition of the fixed Alkalies, and the Exhibition of the new Substances which constitute their Basis, and on the general Nature of Alkaline Bodies. 1808.—The Bakerian Lecture; an Account of some new analytical Researches on the Nature of certain Bodies, particularly the Alkalies, Phosphorus, Sulphur, Carbonaceous Matter, and the Acids hitherto undecomposed; with some general Observations on Chemical Theory. 1809.—New Analytical Researches on the

Nature of certain Bodies; being an Appendix to the Bakerian Lecture for 1808.—The Bakerian Lecture for 1809, on some new Electro-Chemical Researches, on various Objects, particularly the Metallic Bodies from the Alkalies and the Earths, and on some Combinations of Hydrogen. 1810.—Researches on the Oxymuriatic Acid, its Nature and Combinations, and on the Elements of the Muriatic Acid; with some Experiments on Sulphur and Phosphorus, made in the Laboratory of the Royal Institution. 1810.—The Bakerian Lecture, on some of the Combinations of Oxymuriatic Gas and Oxygen, and on the Chemical Relations of these Principles to inflammable Bodies. 1811. Also another paper in the same volume in continuation of the subject.—On some Combinations of Phosphorus and Sulphur, and on some other Subjects of Chemical Inquiry. 1812.—Two papers on a new Detonating Compound. 1813.—Some Experiments and Observations on the Substances produced in different Chemical Processes on Fluor Spar. 1813.—An Account of some new Experiments on the Fluoric Compounds; with some Observations on other Objects of Chemical Inquiry. 1814.—Some Experiments and Observations on a new Substance, which becomes a violet-coloured Gas by Heat. 1814.—Further Experiments and Observations on Iodine. 1814.—Some Experiments on the Combustion of the Diamond, and other carbonaceous Substances. 1814.—Some Experiments and Observations on the Colours used in Painting by the Ancients. 1815.—Some Experiments on a solid Compound of Iodine and Oxygen, and on its Chemical Agencies. 1815.—On the Action of Acids on the Salts usually called Hyperoxy muriates, and on the Gases produced from them. 1815.—On the Fire-damp of Coal-mines, and on Methods of Lighting the Mines so as to prevent Explosion; an Account of an Invention for giving Light in explosive Mixtures of Fire-damp in Coal-mines, by consuming the Fire-damp; and further Experiments on the Combustion of explosive Mixtures confined by Wire Gauze; with some Observations on Flame. 1816.—Some Researches on Flame; and some new Experiments and Observations on the Combustion of Gaseous Mixtures; with an Account of a Method of preserving continued Light in Mixtures of inflammable Gases and

Air, without Flame. 1817.—On the Fallacy of the Experiments in which Water is said to have been formed by the Decomposition of Chlorine. 1818.—New Experiments on some of the Combinations of Phosphorus. 1818.—Observations on the Formation of Mists in particular Situations. 1819.—On the Magnetic Phenomena produced by Electricity.—Observations and Experiments on the Papyri found in the Ruins of Herculaneum.—Researches on the Magnetic Phenomena produced by Electricity, with some new Experiments on the Properties of Electrified Bodies, in their relation to their conducting Powers and Temperature.—On the Electrical Phenomena exhibited in Vacuo.—On the State of Water and Aëriform Matter in Cavities found in certain Crystals.—On a new phenomenon of Electro-magnetism.—On the Condensation of Muratic Gas into the liquid Form.—On the Application of Liquids formed by the Condensation of Gases as Mechanical Agents.—Experiments and Obser-

vations on the Application of Electrical Combinations to the Preservation of the Copper Sheathing of Ships.—The Bakerian Lecture on the Relations of Electrical and Chemical Changes. 1826.—On the Phenomenon of Volcanos. 1828.—An Account of some Experiments on the Torpedo.

To Nicholson's Journal he communicated,—

An Account of some Experiments made with the Galvanic Apparatus of Signor Volta. 1801.—Note respecting the Absorption of Nitrous Gas, by Solutions of Green Sulphate and Muriate of Iron. 1802.

To the Philosophical Magazine,—

A few additional Practical Observations on the Wire-gauze Safety Lamps for Mines. 1816.—Suggestions arising from Inspections of Wire-gauze Lamps in their working State in Mines. 1816.

MEMOIR of WILLIAM HYDE WOLLASTON, M. D. *Fellow of the College of Physicians, and of the Royal Society.*

The family of Wollaston was originally from Staffordshire, and has now for several generations been eminent in the circles of science. Dr. Wollaston's great-grandfather, the Rev. William Wollaston, was the author of "The Religion of Nature delineated." His son, Francis Wollaston, esq. F.R.S., had three sons, all likewise Fellows of the Royal Society: the Rev. Francis Wollaston, rector of Chiselhurst, and St. Vedast, Foster-lane, and precentor of St. David's, who died in 1815; Charlton Wollaston, M.D., who died in 1764; and the Rev. George Wollaston, D.D., rector of St. Mary Aldermary. His eldest daughter was the wife of the celebrated William Heberden, M.D. F.R.S., and mother to the present physician of that name.

Dr. Hyde Wollaston was the second son (and one of seventeen children) of the first of the three brothers, by Miss Althea Hyde, of Charter-house square, and was born August 6th, 1766. He received his academical education at Caius College, Cambridge, where he proceeded M.B., 1787, (being the senior wrangler of his year) and M.D. 1793, and probably owed to the exertions of that period of his life the pre-eminence in science for which he was subsequently so distinguished.

He first settled at Bury St. Edmund's, where he commenced practising as a physician; but with so little success that he left the place in disgust, and removed to London. Soon after his arrival in the metropolis, a vacancy happening in St. George's hospital, he became

one of the candidates for the appointment of physician to that foundation. His principal opponent was Dr. Pemberton, who, either by superior interest, or by his more polished manners, obtained the situation. This second defeat in his professional career considerably lessened the ardour with which Dr. Wollaston had set out: he expressed his determination never again to write a prescription. Though almost every branch of science occupied him at different times, chemistry was that to which he seems to have been most ardently devoted; and it is by his investigations in this department of natural philosophy that he will enjoy his greatest share of lasting reputation.

The manner in which he was accustomed to pursue his inquiries was almost peculiar to himself. It was always on the smallest specimens of the substance which he wished to analyze that his experiments were made; and his laboratory was, it is said, only in proportion to the magnitude of his materials. Dr. Thomson, in his "History of the Royal Society," when speaking of modern British chemistry, says, that "three distinct schools (if we may use the expression) have been established by three gentlemen,"—Dr. Wollaston, Mr. (the late sir Humphry) Davy, and Mr. Dalton. "Dr. Wollaston," he adds, "possesses an uncommon neatness of hand, and has invented a very ingenious method of determining the properties and constituents of very minute quantities of matter. This is attended with several great advantages: it requires but very little apparatus, and therefore the experiments may be performed in almost any situation: it saves a great deal of time and a great deal

of expense; while the numerous discoveries of Dr. Wollaston demonstrate the precision of which his method is susceptible."

Among the delicate instruments, which he was accustomed to make in a remarkably neat manner, was a sliding rule of chemical equivalents, which is exceedingly useful to the practical chemist. He also constructed a galvanic battery of such small dimensions, that it was contained in a thimble. By inserting platina wire in silver, and when at a great heat drawing out both together, and afterwards separating them by dissolving away the silver with nitrous acid, he likewise produced some wire of platina of so diminutive a diameter as to be very much finer than any hair, and almost imperceptible to the naked eye.

Small, however, as was Dr. Wollaston's laboratory, and minute as were the means to which he had recourse in making his experiments, they proved exceedingly profitable to his purse. His discovery of the malleability of platinum it has been asserted, alone produced about 80,000*l*. He is also said to have derived great pecuniary advantages from several of his other, and even minor discoveries and inventions, which, being of a nature likely to be generally useful, were certain in a short time to produce a considerable return. It has been doubted by some whether this distinguished man, great as he was in science, and possessing many excellent qualities, would not have been greater, had his views been somewhat less directed to the acquisition of a fortune. But though he possessed the prudence which acquires wealth, he was free from the iron-hearted parsimony which buries it. Having been applied to by a re-

lation who was involved in unexpected difficulties, to procure him some government situation, Dr. Wollaston's reply, was, "I have lived to sixty without asking a single favour from men in office, and it is not, after that age, that I shall be induced to do so, even to serve a brother: if the inclosed can be of use to you in your present difficulties, pray accept it, for it is much at your service." The enclosed was a cheque for ten thousand pounds.

Some curious anecdotes are told respecting the resolute manner in which Dr. Wollaston uniformly resisted the intrusion of either friend or stranger into his workshop. Among others, it is related, that a gentleman of his acquaintance, having been left by the servant to ramble from one room to another, till he should be ready to see him, penetrated into the laboratory. The doctor, on coming in, discovered the intrusion: but not suffering himself to express all he felt on the occasion, took his friend by the arm, and having led him to the most sacred spot in the room, said, "Mr. P., do you see that furnace?"—"I do."—"Then make a profound bow to it, for as this is the first, it will also be the last time of your seeing it."

Dr. Wollaston was elected a Fellow of the Royal Society in 1793, and was elected Second Secretary Nov. 30th, 1806. His communications to the Philosophical Transactions commenced in 1797, and amount to the following numerous list:—

In 1797, "On the Gout, and Urinary Concretions;" in 1800, "On Double Images caused by Atmospheric Refraction;" in 1801, "Experiments on the Chemical Production and Agency of Electricity;" in 1802, "A Method of

examining Refractive and Dispersive Powers by Prismatic Reflection," and a paper "On the Oblique Refraction of Iceland Crystal;" in 1803, the Bakerian lecture, consisting of "Observations on the Quantity of Horizontal Refraction; with a Method of measuring the Dip at Sea;" in 1804, a paper "On a new Metal found in crude Plate;" in 1805 another, "On the discovery of Palladium, with Observations on other Substances found with Platina;" in 1806, the Bakerian lecture, "On the force of Percussion;" in 1807, an "Essay on Fairy-rings;" in 1808, three "On Platina and Native Palladium from Brazil," "On the Identity of Columbium and Tantalum," and a "Description of a Reflective Goniometer;" in 1810, the Croonian lecture, "On Muscular Action, Sea Sickness, and the salutary Effects of Exercise on Gestation;" and an Essay "On Cystic Oxide, a new Species of Urinary Calculus;" in 1811, "On the Non-existence of Sugar in the Blood of Persons labouring under Diabetes Mellitus;" in 1812, two papers "On the Primitive Crystals of Carbonate of Lime, Bitter Spar, and Iron Spar," and "On a Periscopic Camera Obscura and Microscope;" in 1813, the Bakerian lecture, "On the Elementary Particles of certain Crystals;" the explanation of "A Method of drawing extremely fine Wires," and "A Description of a Single-lens Microscope;" in 1820, articles "On the Methods of Cutting Rock Crystal for Micrometers," and "On Sounds inaudible by certain Ears."

Dr. Wollaston communicated, in 1815, to Thomson's Annals of Philosophy, "A Description of an Elementary Galvanic Battery;" and to the Philosophical Magazine, in 1816, "Observations and Experiments on the Mass of Native Iron found in Brazil."

Within the last session only, in the midst of which his decease occurred, five essays by Dr. Wollaston were read before the Royal Society. The first was the Bakerian lecture, "On a Method of rendering Platina Malleable;" for which, on their last anniversary, November 30th, 1828, the Royal Society awarded to the inventor one of the royal medals. The subjects of the remainder were "On a Microscopic Double;" "On a Differential Barometer;" "On a Method of comparing the Light of the Sun with that of the Fixed Stars;" and "On the Water of the Mediterranean."

The following honourable eulogy on Dr. Wollaston was pronounced by the President of the Royal Society, on the anniversary meeting upon the 1st of December, 1828. Having announced that the council of the Royal Society had awarded one of the royal medals of the year to Mr. Encke, "for his researches and calculations respecting the heavenly body usually distinguished by his name," Mr. Gilbert thus proceeded:—

"The other royal medal has been awarded by your council for a communication made under circumstances the most interesting and most afflicting. An individual, of whom not the Society alone, but all England, is justly proud, whose merits have been appreciated and distinguished by each of the eminently scientific establishments of Europe, has recently been assailed by a malady, one of the most severe to which human nature is exposed. But the energies of his mind soaring beyond bodily infirmities, he has employed them in a manner (I will presume to say) most acceptable to the Divinity, because most usefully to mankind, by imparting, through the medium of this society, further stores of knowledge to the world, which has been so frequently before illuminated by the splendour of his genius. On the first day of our meeting a paper from Dr. Wollaston was read, descriptive of the processes and manipulations by which he has been enabled to supply all men of science with the most important among the recently discovered metals. Platinum, possessed of various qualities useful in an eminent degree to chemists, even on a large scale, withheld them all by resisting fusion in the most intense heat of our wind furnaces. Alloy-

ed, indeed, with arsenic, it became susceptible of receiving ornamental forms; but a continued heat expelled the volatile metal, and left the other in a state wholly unfit for use. Dr. Wollaston, instead of alloying, purified the platinum from every admixture by solution, consolidated its precipitate by pressure, by heating, and by percussion, so as to effect a complete welding of the mass, thus made capable of being rolled into leaf, or drawn into wire of a tenacity intermediate between those of iron and gold. To these scientific and beautiful contrivances we owe the use of a material, not only of high importance to refined chemistry, but now actually employed in the largest manufactories for distilling an article of commerce so abundant and so cheap as sulphuric acid. And above all, we owe to them the material which, in the skilful hands of some members of this society, has mainly contributed to their producing a new species of glass, which promises to form an epoch in the history of optics. Your council have, therefore, deemed themselves bound to express their strong approbation of this interesting memoir (independently of all extraneous circumstances,) by awarding a royal medal to its author. And they anticipate with confidence a general approbation, in both these instances, of what they have done."

Of the Geological Society, Dr. Wollaston became a member in 1812: he was frequently elected on the council, and was for some time one of the vice-presidents. He made no contributions to the publications of that learned body; but he was well acquainted with the scope of their inquiries, and always attended to the geological

phenomena of the countries which he visited in his excursions. At the annual meeting of the Society, February 20, 1829, Dr. Fitten, the president, remarked, that "though Dr. Wollaston did not publish any thing on the more immediate subjects of our pursuit, his success in the cultivation of other branches of knowledge has conduced, in no small degree, to the recent advancement of geology. The discovery of two new metals* was but a part of his contributions to chemical science; and his application of chemistry to the examination of very minute quantities, by means of the simplest apparatus, divested chemical inquiry of much of its practical difficulty, and greatly promoted mineralogy. His Camera Lucida is an acquisition of peculiar value to the geologist, as it enables those who are unskilled in drawing to preserve the remembrance of what they see, and gives a fidelity to sketches hardly attainable by other means. The adaptation of measurement by reflection to the purposes of crystallography, by the invention of his goniometer, introduced into that department of science a certainty and precision which the most skilful observers were before unable to attain; and his paper on the distinctions of the carbonates of lime, magnesia, and iron, affords one of the most remarkable instances that can be mentioned, of the advantage arising from the union of crystallography with chemical research. He was, in fact, a mineralogist of the first order,—if the power of investigating accurately the characters and composition of minerals be considered as the standard of skill.

"Possessing such variety of knowledge, with the most inventive quickness and sagacity in its application to new purposes, Dr. Wollaston was at all times accessible to those whom he believed to be sincerely occupied in useful inquiry: he seemed, indeed, himself to delight in such communications: and his singular dexterity and neatness in experiment rendered comparatively easy to him the multiplied investigations arising from them, which to others might have been oppressive or impracticable. His penetration and correct judgment, upon subjects apparently the most remote from his own immediate pursuits, made him, during many of the latter years of his life, the universal arbiter on questions of scientific difficulty; and the instruction thus derived from communication with a man of his attainments has had an effect on the progress of knowledge in this country, and on the conduct of various public undertakings, the value of which it would be difficult to estimate, and the loss of which it is at present, and long will be, quite impossible to supply."

Towards the latter part of 1828, Doctor Wollaston became dangerously ill of the disorder of which he died. Feeling that the duration of his life was precarious, he devoted his numbered hours to communicate, by dictation, and thereby to preserve all the discoveries and improvements which he had made; and, a short time before his death, he wrote a letter to the secretary of the Royal Society, informing him that he had that day invested in the funds, in the name of the Royal Society, stock to the amount of 1000*l.*, the interest of which he wished to be

* Palladium and rhodium.

employed in the encouragement of experiments in natural philosophy. When he was nearly in the last agonies, one of his friends having observed, loud enough for him to hear, that he was not at the time conscious of what was passing around him, he immediately made a sign for a pencil and paper, which were given him; he then wrote down some figures, and, after casting up the sum, returned them. The amount was right.

Dr. Wollaston's death occurred on the 22nd of December, 1828. A medical inquiry was instituted after his decease, respecting its immediate cause; and from the published report it appears, that an effusion of blood had taken place in the ventricles of the brain,

which exhibited a very remarkable appearance. The great body of the optic nerve was converted into a tumour of the size of a hen's egg, was of a greyish colour, and firmer than the brain itself. In the inside it was found to be of a brown colour, soft, and in a half-dissolved state. The nerve contained scarcely any of its proper substance.

Dr. Wollaston was never married. At the time of his death he was senior fellow of Gonville and Caius College. His remains were interred at Chislehurst, in Kent. The funeral was, according to his particular request, exceedingly private, as he had desired that it should be attended only by the descendants of his grandfather.

MEMOIR of MAJOR ALEXANDER GORDON LAING.

Major Laing was the eldest son of Mr. William Laing, A. M., and was born at Edinburgh the 27th of December, 1794. His father having for many years had an academy in the New Town of Edinburgh, young Laing received nearly the whole of his education under the paternal roof, till, at the early age of thirteen, he entered the Alma Mater of his native city.

With a view to habituate him to communicate that knowledge to others which he so eagerly acquired himself, Laing went, in his fifteenth year, to fill, for a time, the situation of assistant to Mr. Bruce, an eminent teacher in Newcastle-upon-Tyne; whence he returned to Edinburgh six months after, and entered upon a similar duty under his father.

At this period nothing appeared to be farther from his intention

than the active, bustling and adventurous life of a soldier, or the still more hazardous and arduous employment of a professional traveller in the unexplored regions of inhospitable Africa. Placed as he then was with the prospect, upon his father's retirement (an event which occurred a few years afterwards), of succeeding to his establishment and profession, which, though no doubt abundantly laborious, was calculated to yield a comfortable and respectable maintenance, he had thus every inducement to follow it out; or, with his predilection for study, if he did relinquish that pursuit, he was more likely to become a candidate for fame in the peaceful paths of science, than in the field.

Circumstances, however, occurred, which aroused in him that spirit of enterprise and adventure

which characterised his after-life. It was his fate to emerge into the world at a time when the profession of arms was every where blended with that of the civilian ; and when it was considered that every man in Britain was in duty bound to bear a sword or a fire-lock, and to know how to use it. During that rage of martial fever, Master Laing having attained his seventeenth year, was, in 1810, appointed an ensign in the Prince of Wales's Edinburgh Volunteers. Captivated with the slight foretaste of military service which the volunteer system afforded him, he could no longer submit to the restraints, or go through the monotonous routine, of school discipline ; he, in fact, now regarded teaching with the most sovereign contempt, and finally gave it up, at the termination of the second year. In the year 1811 he went out to Barbadoes, where his uncle, colonel, afterwards general, Gabriel Gordon then was, with whom he remained a short time, till he obtained an ensigncy in the York Light Infantry, which regiment he immediately joined at Antigua ; and in two years thereafter, he was promoted to a lieutenancy in the same corps, which he held until the regiment was reduced, and lieutenant Laing was then placed upon the half-pay. Having no relish for inactive life, he exchanged, as speedily as the business could be negotiated, into the second West-India regiment, which he joined at Jamaica. While there, he had to undertake the duties of deputy quarter-master-general, the exertions of which department induced a liver complaint ; and in order to re-establish his health, the medical gentlemen recommended a sea voyage. He accordingly sailed to

Honduras, by which his complaint was considerably relieved ; but the governor, colonel Arthur, finding him an active and intelligent officer, appointed him to the office of fort-major, and would not suffer him to return to Jamaica, but had him attached to another division of his regiment, then in Honduras, where he remained until a return of his complaint forced him to come home, his frame being so much debilitated that he was unable to walk, and it became necessary to carry him on shipboard.

The effects of this attack made a serious impression on his constitution, and in consequence he remained for nearly eighteen months with his friends in Scotland. During this time, however, one-half of the second West-India regiment, that to which he was attached, was reduced, and he was again placed upon half-pay. In the Autumn of 1819 he returned to London, and having been sent for by the late sir Henry Torrens, then colonel of his regiment, was appointed lieutenant and adjutant, and proceeded to Sierra Leone.

Early in January, 1822, lieutenant Laing was sent by the late governor, sir Charles M'Carthy, on an embassy to Kambia and the Mandingo country, to ascertain the political state of those districts, the disposition of the inhabitants to trade, and their sentiments in regard to the abolition of the slave-trade. Having executed that mission to the complete satisfaction of the governor, and some alarm having arisen as to the fate of Sannasse, a chief in amity with our government, who had been taken prisoner by Yarradee, a war man of the king of Soolima, lieutenant and adjutant Laing,—though his health, which had suffered from

the effects of his former journey, was yet only in a state of convalescence,—was appointed to undertake a second embassy for the purpose of procuring Sannassee's release from captivity. On arriving at the camp of the Soolima army, he was informed that the unfortunate Sannassee had been set at liberty after his town had been burnt, and that his life had been spared only from the fear of offending the British governor.

While upon the second mission, he had observed that many men who accompanied the Soolima army possessed considerable quantities of gold; and having learned that ivory abounded in Soolima, he suggested to the governor the advantages to the colony of opening an intercourse with these people, remarking, that such an attempt would not be attended with much hazard or expense, and that a great object would be attained by the knowledge of many countries to the eastward of the colony, which, like that of the Soolimas, was known only by name. This suggestion was submitted to the council, who approved the undertaking, and left it to the judgment of the traveller to pursue his own route. He was now as much a volunteer traveller as before he had been a volunteer officer; nay, more so, being in fact allowed to prosecute his own enterprise in his own way. This third mission, upon which he set out from Sierra Leone on the 16th of April, 1822, led him to penetrate through a far more extensive tract of country than before, much of it previously unexplored, but which is particularly described, together with the inhabitants, their manners, customs, &c. in his highly-interesting journal, published only three years

since; its publication having been retarded, first, by his being called into active service during the unfortunate Ashantee war, and subsequently by his being hurried off on his last great enterprise, when he was compelled to leave the superintendence of its publication to his friend captain Sabine.

While at Falaba, upon his third embassy, he received intelligence of his promotion to the rank of captain, and immediately on his return to Sierra Leone, in the autumn of 1822, he was ordered to join his regiment on the Gold Coast, where he was employed in the command of a considerable native force on the frontier of the Ashantee country, and was frequently engaged with detachments of the Ashantee army.

Upon the death of sir Charles M'Carthy, in 1824, captain Laing was sent to England to acquaint the government with the state of the command in Africa. At this period, he obtained a short leave of absence to revisit Scotland, and returned to London in October, 1824.

An opportunity now presented itself, which he had long anxiously desired, of proceeding, under the auspices of government, on an expedition to discover the course and termination of the Niger. He was promoted to the rank of major, and departed from London on that enterprise early in February, 1825, with the intention of leaving Tripoli for Timbuctoo in the course of the summer of that year. In the progress of the intercourse which he necessarily had with the family of Mr. Warrington, the British consul at Tripoli, an attachment arose between the major and the consul's accomplished daughter. The parties, it will be recollected, were utter strangers to each other

but a few weeks before : there was no time for protracted courtship ; and on the 14th of July, 1825, major Laing was married to Miss Emma Maria Warrington. But the eve of their marriage was also the eve of his departure upon that mission from which he was doomed never to return. The second day after the nuptials he set out.

From the time of his leaving Tripoli until he reached Tuat, which he was forced to do by a circuitous route, letters were frequently received from him. At length, on the 18th of August, 1826, he reached Timbuctoo ; and on the 21st of September, he addressed the following letter, the last that was ever received from him, to his father-in-law, Mr. Warrington :—

“ My dear Consul ;—A very short epistle must serve to apprise you, as well as my dearest Emma, of my arrival at, and departure from, the great capital of central Africa ; the former of which events took place on the 18th ult.—the latter will take place, please God, at an early hour to-morrow morning. I have abandoned all thoughts of retracing my steps to Tripoli, and came here with an intention of proceeding to Jenne by water ; but this intention has been entirely upset, and my situation in Timbuctoo rendered exceedingly unsafe, by the unfriendly disposition of the Foulahs of Massina, who have this year upset the dominion of the Tuaric, and made themselves patrons of Timbuctoo, and whose sultan, Bello, has expressed his hostility towards me in no equivocal terms, in a letter which Al Saidi Boubokar, the sheik of this town, received from him a few days after my arrival. He has now got intelligence of

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my being in Timbuctoo ; and as a party of Foulahs are hourly expected, Al Saidi Boubokar, who is an excellent good man, and who trembles for my safety, has strongly urged my immediate departure ; and I am sorry to say that the notice has been so short, and I have so much to do previous to going away, that this is the only communication I shall, for the present, be able to make. My destination is Sego, whither I hope to arrive in fifteen days ; but I regret to say the road is a vile one, and my perils are not yet at an end ; but my trust is in God, who has hitherto borne me up amidst the severest trials, and protected me amidst the numerous dangers to which I have been exposed.

“ I have no time to give you any account of Timbuctoo, but shall briefly state, that, in every respect, except in size (which does not exceed four miles in circumference), it has completely met my expectations. Kabra is only five miles distant, and is a neat town, situated on the very margin of the river. I have been busily employed during my stay, searching the records in the town, which are abundant, and in acquiring information of every kind ; nor is it with any common degree of satisfaction that I say my perseverance has been amply rewarded. I am now convinced that my hypothesis, concerning the termination of the Niger is correct.

“ May God bless you all ! I shall write you fully from Sego, as also my lord Bathurst ; and I rather apprehend that both letters will reach you at one time, as none of the Ghadamis merchants leave Timbuctoo for two months to come. Again, may God bless you all ! My dear Emma must excuse my

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writing. I have begun a hundred letters to her, but have been unable to get through one. She is ever uppermost in my thoughts; and I look forward with delight to the hour of our meeting, which, please God, is now at no great distance."

This letter was left behind at Timbuctoo, and appears to have been brought by the nephew of Babani, together with an important document in Arabic, of which the following is the substance:—

"About a month after their safe arrival at Timbuctoo (Laing and young Moktah,) the prince of the faithful, Sultan Ahmad, Ben Mohammed Labo, the lord and sovereign of all those countries, wrote a letter to his lieutenant-governor Osman, containing as follows:—

"I have heard that a Christian intends coming to you; but whether he has already arrived or not I do not know. You must prevent him from arriving, if he has not reached you; and if he has, you must expel him the country in such a manner as to leave him no hope of returning to our countries, because I have received a letter from the tribe of Foulah, containing a caution against allowing Christians to come into the Mussulman countries in Soudan; which letter was written in the East, and contained an account of the mischiefs and impieties by which they have corrupted Spain and other countries."

"When governor Osman received this letter he could not but obey it. He therefore engaged a sheik of the Arabs of the desert, named Ahmad, son of Obeid-allah, son of Rehal, of Soliman Barbooshi, to go out with the Christian, and protect him as far as the town of Arwan. Barbooshi accordingly went with him from Timbuctoo; but on arriving at his own residence,

he treacherously murdered him, and took possession of all his property. This is within our knowledge, who know the affair, and have seen the letter of the prince of the faithful, sultan Ahmad Labo."

This document is attested in Timbuctoo by fifteen signatures. The following examination, by the British consul, of Bungola, who represents himself as the servant of the late major Laing, professes to give the catastrophe of this melancholy story:—

"What is your name?—Bungola.

"Were you major Laing's servant?—Yes (and he produced the following paper):—

"*Azoad, 2nd July, 1826.*

"I promise to pay the bearer, Bungola, the sum of six dollars per month, from the 15th of Dec. 1825, till my return to Ghadamis; or on the failure of that event, till the 15th of Dec. 1826: previously deducting fifty dollars, which I paid for his freedom.

"A. GORDON LAING.

"Were you with major Laing at the first attack?—Yes, and wounded. (Showing his head.)

"Did you remain with him at Mooktars?—Yes.

"Did you accompany him from thence to Timbuctoo?—Yes.

"How was he received at Timbuctoo?—Well.

"How long did he remain at Timbuctoo?—About two months.

"Did you leave Timbuctoo with major Laing?—Yes.

"Who went with you?—A kofle of Arabs.

"In what direction did you go?—The sun was on my right cheek.

"Did you know where you were going?—To Sansanding.

"Did you see any water, and were you molested?—We saw no

water, nor were we molested till the night of the third day, when the Arabs of the country attacked and killed my master.

“Was any one killed besides your master?—I was wounded, but cannot say if any were killed.

“Were you sleeping near your master?—Yes.

“How many wounds had your master?—I cannot say; they were all with swords; and in the morning I saw the head had been cut off.

“Did the person who had charge of your master commit the murder?—Sheik Burbasch, who accompanied the Rels, killed him, being assisted by his black servants with swords, when asleep.

“What did the sheik then do?—He went on to his country. An Arab took me back to Timbuctoo.

“What property had your master when he was killed?—Two camels: one carried the provisions; the other carried my master and his bags.

“Where were your master’s papers?—In his bag.

“Did you endeavour to preserve them?—I was so stunned with the wound, I never thought of the papers.

“Were the papers brought back to Timbuctoo?—I don’t know.”

And this Arab thus deposes before the Kadi of Tripoli:—

“Appeared before me, &c. and maketh oath, according to the established form of the Mahomedan faith, Bungola, servant to the late major Laing, who swears that he was with his master three days beyond Timbuctoo, and saw his master murdered; and that he actually saw the head separated from the body.

“Signed &c. in the presence of his highness’s minister,

“H. D’GHIES.”

By the following statement, however, from the “Semaphore,” of Marsilles, it appears that the above-named Hassouna D’Ghies is strongly suspected of having been an accessory to major Laing’s assassination, and of having obtained the unfortunate traveller’s papers, and subsequently disposed of them to the French consul.

“It was about three years ago, that major Laing, son-in-law of colonel Warrington, consul-general of England in Tripoli quitted that city, where he left his young wife, and penetrated into the interior of Africa. After having crossed the chain of Mount Atlas, the country of Fezzan, the desert of Lempta, the Sahara, and the kingdom of Ahades, he arrived at the city of Timbuctoo, where he fixed his abode for some time, and had composed the journal of his travels. He was preparing to return to Tripoli, when he was attacked by Africans, who were watching for him in the desert. Laing, who had but a weak escort, defended himself with courage: but in this engagement he lost his right hand, which was struck off by the blow of a yatagan. Not long afterwards, some people of Ghadamis, who had formed part of the major’s escort, arrived at Tripoli, and informed colonel Warrington that his relation had been assassinated in the desert. An uncertain report was soon spread that the papers of major Laing had been brought to Tripoli by people of Ghadamis; and that a Turk, named Hassouna D’Ghies, had mysteriously received them. Colonel Warrington was long engaged in persevering researches, and at length succeeded in finding a clue to this horrible mystery. The Pacha, at his request, ordered the people who

had made part of the major's escort to be brought from Ghadamis. The truth was at length on the point of being known; but this truth was too formidable to Hassouna D'Ghies for him to dare to await it, and he therefore took refuge in the abode of Mr. Coxe, the consul of the United States. The Pacha sent word to Mr. Coxe, that he recognised the inviolability of the asylum granted to Hassouna; but that the evidence of the latter being necessary in the prosecution of the proceedings relative to the assassination of major Laing, he begged him not to favour his flight. Colonel Warrington wrote to his colleague to the same effect. However, Hassouna D'Ghies left Tripoli on the 9th of August, in the night, in the disguise, it is said, of an American officer, and took refuge on board the United States corvette *Fairfield*, captain Parker, which was then in the roads of Tripoli, and weighed anchor on the 10th of August, in the morning.

"The Pacha, enraged at the escape of Hassouna, summoned to his palace Mohamed D'Ghies, brother of the fugitive, and there, in the presence of his principal officers, commanded him to declare the truth. Mohamed fell at his master's feet, and declared upon oath, and in writing, that his brother Hassouna had had major Laing's papers in his possession; but that he had delivered them up to Baron Rousseau, for a deduction of forty per cent on the debts which he had contracted in France, and the recovery of which this person was endeavouring to obtain by legal proceedings.

"The declaration of Mohamed

extends to three pages, containing details respecting the delivery of the papers of the unfortunate major, and all the circumstances of this strange transaction.

The shape and the size of the major's papers are indicated with the most minute exactness; it is stated that these papers were taken from him near Timbuctoo, and subsequently delivered to the person above mentioned entire, and without breaking the seals of red wax.

"Mohamed, however, after he had left the palace, fearing that the Pacha, in his anger, would make him answerable for his brother's crime, hastened to seek refuge in the house of Baron Rousseau, and to implore his protection. Soon afterwards the consul-general of the Netherlands, accompanied by his colleagues the consuls-general of Sweden, Denmark, and Sardinia, proceeded to the residence of the person pointed out as the receiver, and in the name of colonel Warrington, and by virtue of the declaration of Mohamed, called upon him instantly to restore major Laing's papers. He answered haughtily, that this declaration was only a tissue of calumnies; and Mohamed, on his side, retracted his declaration, and even went so far as to deny his own hand-writing.

"The Pacha, in a transport of rage, sent to Mohamed his own son, Sidi Ali. Mohamed, threatened with being seized by the *chiaoux*, retracted his retractation; and, in a new declaration, in the presence of all the consuls, confirmed that which he had made in the morning before the Pacha and his officers."

**MEMOIR of LIEUT. GENERAL SIR HENRY CLINTON, G. C. B.
G. C. H. COL. of the THIRD REGIMENT.**

This distinguished officer was the second son of general sir Henry Clinton (who commanded in chief in America, during a great part of the war of the Revolution in that country), and was educated at Eton. He first began his active public life in the sea-service, in compliance with the suggestions of his father. In the year 1786 he embarked as a midshipman, in the *Salisbury*, captain Erasmus Gore, carrying the broad pennant of commodore Elliot, and went to Newfoundland. He returned in the autumn of that year; but he had suffered so much from sea-sickness (a malady from which he was, whilst on ship-board, seldom free), that he found it impossible to continue in the naval service. On this account he determined to quit it for a military life, and went abroad for the purpose of learning the French and German languages, and otherwise qualifying himself for his new profession.

In the course of the years 1787, 8, and 9, he resided at Tours and Valenciennes, visited several parts of France and Germany, and was finally induced by favourable circumstances to take up his residence at Maestricht, which was then chiefly garrisoned by the troops of Brunswick, in the pay of Holland, and under the command of general de Reidesel. His father was not only well acquainted with that officer (who had served during the American war with a body of German troops in the pay of England), but, having acted as aide-de-camp to the then reigning

duke of Brunswick during the seven years German war, from his consequent intimacy with that sovereign prince, obtained leave for his son to serve temporarily in one of the Brunswick battalions. In that service he continued from the autumn of 1788 to the end of the summer of 1789; during which interval he passed through every duty, from that of the common soldier to that of the corporal, sergeant, and sub-lieutenant, as is customary in the German service. While thus employed, he was, on the recommendation of the late duke of Gloucester, appointed to an ensigncy in the 1st regiment of Foot Guards, and joined that corps in the autumn of 1789; from which time, till the end of the campaign of 1815, his life was a series of active, and for the greater part of it, of very distinguished, military service.

From the time he joined the Guards, to the commencement of the long war of the French Revolution, every leave of absence that he obtained from the regiment was passed in visits to the Continent, with a view to professional improvement. During these excursions, besides visiting Berlin, Dresden, Vienna, and other interesting parts of Germany, he took an opportunity of attending the Prussian reviews.

In the campaigns of 1793 and 4, he served as aide-de-camp to his late royal highness the duke of York, in Flanders and Holland. In the course of 1793 he was present at the affair in the Wood of

St. Amand, the battle of Famars, the siege of Valenciennes, and the attack of Dunkirk, and in 1794 at the affair of Vaux (the news of the successful result of which he was selected to convey to his late majesty), and the attack of the 10th of May, near Tournay. On the last occasion he was severely wounded, which prevented him from being actively employed till the autumn of that year, when he again joined his royal highness.

In the year 1796, being very anxious to engage in more active service than he could have done as aide-de-camp in England, he went with the expedition under the late sir Ralph Abercrombie to St. Lucia, and afterwards joined the 66th regiment, of which he had recently been appointed lieutenant-colonel, at Port-au-Prince, St. Domingo. Here his health was severely affected by the climate; and as there did not appear the least probability of any active operations in that island, his friends obtained an exchange for him into the 1st regiment of Guards, which he again joined in the course of the year 1797. He had in the interim been taken prisoner on his passage to Europe, and carried to Nantes, and it was not without much difficulty that he obtained an exchange.

In the summer of 1798 he embarked with the 3rd battalion of the 1st Guards for Ireland, and there served that short but active campaign, when he was appointed aide-de-camp to the lord-lieutenant, marquis Cornwallis, who placed him temporarily at the head of the 3rd battalion of Light Infantry, and, on the invasion of the French under general Humbert, in the autumn of that year, called on

him to act on his personal staff. In the summer of 1799, lord William Bentinck having been charged with a military mission to the Austro-Russian army in Italy, then under the command of marshal Suwarrow, lieutenant-colonel H. Clinton was appointed to accompany him; served during the remainder of that campaign, at the head-quarters of the Russian marshal, and was present at the battles of the Trebia and Novi, and at the sieges of Alexandria and Tortona, and the attack of Serravel. At this latter place, while observing it in a rather exposed situation, he received a slight contusion on the shoulder. In the autumn of that year, marshal Suwarrow having been ordered to march with his victorious Russians over the Alps for the purpose of joining the Russian corps under general Korsakow in Switzerland, which was threatened with an attack from the French army under general Massena, lieutenant-colonel H. Clinton was selected by lord Mulgrave, then on a mission to the emperor of Austria, to accompany the Russian commander-in-chief. The advanced season of the year rendered that enterprise in the highest degree perilous; though happily executed, it was not accomplished without the severest exertions, the loss of a considerable number of men, and some very sharp fighting; more especially near the famous pass of the Teufels-Brech, and in the Muttenthal. On the subsequent retreat of the allied army, and withdrawal of the Russian troops from the scene of action, lieutenant-colonel H. Clinton returned to England, and was on the point of joining his old

chief, the marquis Cornwallis, in Dublin, when he was selected to go on a military mission to the Austrian army, under the command of the arch-duke Charles, and was present in the actions which took place in Swabia and Bavaria in the early part of that campaign (1800). When that army, after the disasters of general Melas in Italy, desisted from all active operations, lieutenant-colonel H. Clinton availed himself of the opportunity to visit Salzburg and its environs, and at the approaching Austrian peace of Luneville, after passing a short time at Vienna, he returned to England, when he was employed on the staff of the adjutant-general's department.

In 1803 he embarked for the East Indies, having been appointed adjutant-general to the king's troops in that country. On his arrival he proceeded immediately up to Agra, at that time besieged by the commander-in-chief; but owing to impediments on the road (his baggage being plundered by banditti, and himself detained for want of bearers), he did not reach the place till just as it surrendered. He was afterwards present, and commanded with great distinction on the right of the army, at the battle of Laswarree.

In the month of September of that year, he was promoted to the rank of colonel by brevet; and all appearance of further active operations in India being at an end, colonel H. Clinton resigned his lucrative staff situation, and returned to Europe.

In the year 1805, he was charged with a military mission to Berlin, and was proceeding with important despatches to the head-quarters of the Russian army, when, on

arriving at Neustadt in Silesia, he heard of the disastrous day of Austerlitz. He nevertheless proceeded to Troppau; but, after communicating with the British ambassador to the Court of Russia, he returned to Berlin, and thence to England, as the repeated defeats of the Austro-Russian army precluded all hope of success in the object of his mission.

In the summer of 1806, he embarked with the 3rd battalion of Guards, part of the brigade then proceeding to Sicily, and served in that island till the latter end of 1807, commanding a battalion, composed of the flank companies of the Guards, and stationed for the greater part of the time at Syracuse. Upon seeing these troops, the late sir John Moore observed, "that excepting his own regiment (the 52nd) he had not seen any corps that was so much to his mind what a battalion should be, to be considered perfectly efficient for service, whether in garrison or the field." The brigade of Guards having been withdrawn from Sicily, colonel H. Clinton returned to England early in 1808, and in the spring of that year, he was appointed to the command of a brigade, forming part of the troops which proceeded in the month of May, under sir John Moore, to Sweden.

On his return to England after the conclusion of that service, he was appointed adjutant-general to the forces then embarking, as a reinforcement to the troops which had recently landed under the command of lieutenant-general sir Arthur Wellesley, in Portugal, and he joined that army with the then commander of the

forces, lieutenant-general sir H. Burrard, on the memorable day of Vimeira.

After the business of Cintra, and the return of sir Hew Dalrymple and sir H. Burrard to England, sir John Moore having succeeded to the command, colonel H. Clinton continued in the active duties of adjutant-general, and was present with the army during its advance into Spain, and in the retreat to Corunna, which followed and closed the operations of the campaign. During the whole of this trying period, his zeal and activity were most conspicuous, and his labours so severe and unremitting, that on his arrival at Corunna he was completely exhausted with fatigue and extreme bodily suffering, and did not for several months recover his health.

On a vacancy, caused by the death of brigadier-general Anstruther (who had sunk under the zealous discharge of his duties in the retreat), colonel H. Clinton was appointed adjutant-general in Ireland. The duties of that situation he continued to fulfill, till the autumn of the year 1811, when, having urgently pressed for more active service, he was appointed (having then obtained the rank of major-general) to a brigade in Portugal. He proceeded to lord Wellington's head-quarters, who, in the course of a short time, appointed him to the command of the 6th division of the army; at the head of which he continued, with the exception of two short leaves of absence on account of ill-health, till the evacuation of France by the British army in the summer of 1814. Previous to the battle of Salamanca, major-general H. Clinton

was charged with the reduction of the forts near that place. On the 22nd of July, 1812, when, after three days of manœuvres in each other's presence, the two hostile armies met, the 6th division, under the major-general's command, was eminently distinguished. At a very critical moment of that memorable day, the steadiness evinced by that division, and the resolute movement so timely made by the gallant troops which composed it, against the advancing enemy, were the admiration of all who witnessed the scene, and led to the most glorious results. For his services on this occasion, the thanks of parliament were voted to the major-general, and the order of the Bath was conferred on him.

When Lord Wellington marched in August of that year to Madrid, major general H. Clinton was left in the command of that part of the army which was stationed near the Douro, to observe the enemy on that side; and he was afterwards present at the siege of the castle of Burgos, and in the retreat to the frontiers of Portugal, which took place on its abandonment. Having been obliged in the spring of 1813, owing to impaired health, to return to England, he was unable to join the army again, until after the investment of Pamplona. He was afterwards present and very actively and conspicuously engaged in the battles at the passage of the Neville in November and of the Nive in December 1813. In the first of these actions, in the attack upon the intrenched position of Marshal Soult, at the passage of the river, Sir H. Clinton's bold

and rapid movement to dislodge the enemy from the steep and difficult part of the position, a service which fell to the lot of the sixth division, attracted general attention; and after the passage of the Nive, the sixth division acted on both banks of that river in the close investment of Bayonne, between the rivers Nive and Adour, in relieving and supporting those divisions of the army that were moved occasionally in aid of the troops on the left of the position, which was frequently and perseveringly attacked by Marshal Soult. At the battle of Orthé's, on the 27th February, 1814, the fifth and sixth divisions took a distinguished and decisive part in forcing the enemy's position, by a direct attack upon his centre. Sir Henry was afterwards at the affair of Tarbes, upon which occasion the sixth division was directed on the right of the enemy's position, and by the able manner in which the movement was conducted, opportunity was given to sir Stapylton Cotton, with the cavalry, to threaten the rear of the enemy, which caused Marshal Soult to abandon the position. At the battle of Toulouse, on the 10th of April, which terminated the glorious campaign of 1814; the fourth division, under sir L. Cole, and the sixth, under sir H. Clinton, moved in column down the plain, at the foot of the strongly-intrenched position, during which they were exposed to a galling fire of artillery. Their march was, however, continued with the utmost regularity, and when the head of the column was opposite the right of the enemy's position, the two divisions formed line, boldly ascended the

heights, and the first line of works was carried without a check. During this movement, some French cavalry sallied from the heights, and threatened the right of the sixth division, but a few companies thrown back *en potence*, opposed a front to the cavalry, who ventured not to approach; nor did this cause any delay, or the slightest impediment to the steady and resolute forward movement of the line. When the Spanish troops (who, at the extreme right of the grand attack, had first begun the battle, and had been forced to retreat), after the brilliant advantages gained by the two British divisions, were moved to the left, to act with and on sir H. Clinton's right, the subsequent well-judged operations of the sixth division, completed the success of that great day. For this, and other previous distinguished service, the thanks of parliament were again voted to sir H. Clinton.

In the month of June, the major-general, returned through France, and by Paris, to England. On his arrival, he was immediately appointed inspector of infantry, but ere he could proceed on the duties of his new appointment, he was selected to be second in command to the army ordered to be formed in Flanders, under the hereditary Prince of Orange, just then returned from the Peninsula and France, where he had been serving as aide-de-camp to the duke of Wellington. Sir H. Clinton, who had now obtained the brevet rank of lieutenant-general, repaired to his station with his usual alacrity, and, during the remaining part of that year (1814) and all the spring of the following

one, he was most actively and laboriously employed in getting the army, (which, with the exception of the British troops, was principally composed of young battalions, hastily got together), into order. He was more especially anxious to introduce an uniform system of movement among these troops, so that, although scattered over a very wide extent of country, they might, if suddenly called upon to act in a body, move with regularity as if they had been kept assembled *en masse*. And when this emergency did afterwards occur, in the month of June 1815, those who witnessed the extraordinary expedition with which the army was brought together, and the perfect ease with which each regiment brigade and division took up its allotted station, will duly appreciate the excellent method and system, which sir H. Clinton, by the most zealous and unremitting attention, had established in the heterogeneous body of which the army, which fought on the ever memorable day of Waterloo, was composed.

On that day, sir H. Clinton commanded a division of the corps under lord Hill. At the beginning of the battle he was placed on the right of Hougoumont but, as the object of the French became manifest, the division was moved to the more immediate support of, and to the left of, Hougoumont. On the general advance of the line at the close of the day, this fine division was moved forward, and followed the enemy's retreat, until night put an end to the operations of this hard-fought battle.

On the subsequent advance of

the army to Paris, and during the occupation of that metropolis by the Allies, sir Henry remained with his division encamped in bivouack in the Bois de Boulogne, where it was distinguished for its order, excellent discipline and perfect precision of movement. During the winter of 1815, and till May of the following year, he remained with his division, which formed part of the Army of Occupation. In the month of May of that year, he received, for the third time, the thanks of the House of Commons, and this last time in his place, when the Speaker addressed him in the following words.

“ Lieutenant-general Sir H. Clinton;—

“ After serving through the long campaigns of the Peninsular War, from Salamanca to Orthès and Toulouse, there remained nothing for a soldier to desire, but to be present at the great Battle of Waterloo; and if in that terrible conflict it were possible to select one spot more than another where our national military character was put to its fiercest trial, it must have been that where you were commanding, with Hougoumont in your front, and directing or supporting the brave brigades of Byng, Maitland and Adam.

“ In estimating the services of that gallant army, this country has not contemplated alone the glory of a single day; they have looked to the toilsome marches and sharp combats which preceded it, and to the steady, skilful, and victorious march by which that army completed its success, and entered the enemy's capital. They have seen also, with a just exultation, that whilst British troops

held the gates of Paris by right of conquest, their camp displayed, at the same time, a model of good order and well-regulated discipline, which even the conquered could not but applaud and admire.

“Your present stay amongst us we understand to be only for a short period. But on returning to your brethren in arms, let them be assured by you, that whenever their foreign service shall terminate, they will find that their great deeds have not been forgotten by us; and we trust, that, on re-entering the metropolis of their native country, they will behold some lofty and durable monument, which shall commemorate, to the latest ages, our never-ending gratitude to the armies who have fought for us, and the God who has delivered us,

“You, Sir, are the last of those distinguished officers to whom our thanks have remained undelivered; and I do now, in the House, and by the command of the Commons of Great Britain and Ireland, in parliament assembled, deliver to you their unanimous thanks for your indefatigable zeal and exertions upon the 18th of June 1815, when the French army, commanded by Buonaparte, received a signal and complete defeat.” Upon which lieutenant-general sir H. Clinton said,

“Mr. Speaker;--I am extremely grateful to the House for the honour which has been conferred upon me, by the vote of its thanks for my services in the Battle of Waterloo; a reward to which you, Sir, so well know how to give the full value; and I wish to assure you, Sir, that I am fully sensible of the favour I have received at your hands.

“It is impossible for me to mention the name of Waterloo, and not to feel an irresistible desire to join in the general voice of gratitude to the hero who commanded us, and in that of admiration of the extraordinary talents which he has so long and so usefully devoted to the service of his country.

“An army hastily drawn together, composed of the troops of various nations, and amongst which were counted several brigades of inexperienced militia, was the force the Duke of Wellington had to oppose to one of the most formidable and best appointed armies which France ever produced.

“Every officer and soldier, I am persuaded, did his duty; but the Duke of Wellington alone was capable of giving union to such a force.

“No other man living could have rendered the service which he performed, with an army so composed.

“His great name filled it with confidence: by his constant vigilance, his undaunted firmness and the exertion of the greatest intrepidity and perseverance, he was able, throughout that well-contested day, to defeat every effort of a powerful and enterprising enemy, and ultimately to gain that victory by which he restored peace to Europe, and increased to the impossibility of our ever requiting it, his country's debt of gratitude.”

Here sir Henry's public life may be considered as closed; for although he was with his division during a part of 1817, he was never entirely free from a malady with which he was attacked in the month of June, 1816, which had the character of asthma, and the attacks of which were so frequent,

and so distressing, that during the paroxysms, he was totally incapacitated for the discharge of business.

Very soon after the commencement of his illness, he had the misfortune to lose his wife, the late lady Susan, daughter of Francis, Lord Elcho, and sister to the present earl of Wemyss and March; who had been his faithful and most attached companion since his marriage in 1800, and had accompanied him to India. During the winter of 1816-17, he availed himself of leave of absence, to travel abroad, in the hope of recovering his health. He visited the south of France, the north part of Italy, and Switzerland, where, for a short time, the complaint seemed to have in some degree subsided, and there was a gleam of returning health; but as he proceeded by Paris, to join the Army of Occupation, the disease again assailed him with all its violence, and appeared to baffle every thing that was done to allay it. He however persevered; resumed all his duties with his wonted zeal, on joining his division; and, whenever he had the least respite from his complaint, exerted himself in perfecting the fine battalions of which his division was composed, in every branch of their military duties. In consequence of his exertions, these British troops, which were stationed, during the summer of 1817, in the vicinity of St. Omer's, were peculiarly distinguished for their excellent order, high state of discipline, and the admirable precision of their movements.

Towards the latter end of September, sir H. Clinton's complaint had become so painful and oppressive, and he was so exhausted by its severe and repeated attacks, that he was at length compelled to

give up all his active pursuits, and to return to England. Although, from the high respect in which his character as an officer was held, he for some time remained as the ostensible head of his division, yet he was totally unable to do any duty afterwards.

Sir Henry continued to struggle against his complaint during 13 years, and although extremely reduced, and often subjected to great bodily suffering, his mind continued unimpaired to the last. And when free from absolute pain, he enjoyed the society of his friends, and mixed with great cheerfulness in conversation. This continued to within a very few days of his death, which took place at his country house at Ashley, near Lymington, Hants, on the morning of the 11th of December, 1829, in the fifty-eighth year of his age.

Sir Henry was tall, and till his last long illness, had been remarkably handsome; his general appearance and manner was manly and noble. He was enthusiastically attached to his profession; and he took the greatest delight in informing himself of its duties, in the several stations he had filled, whether as a regimental or a staff-officer. No one was more familiar with every duty and detail, or more punctual in the performance of them: while, at the same time, no one was more considerate of those under his command. With him this feeling was so strong and habitual, that, during all his long illness, he kept up a constant correspondence with the officer commanding his regiment, and when not absolutely compelled, by acute suffering, to desist from all attention to business, interested himself warmly in the concerns and well-being of the regiment itself, and

of every individual belonging to it. At one time, when his complaint gave him some little respite, he had commenced the revision of Dundas's military movements; but finding that this was about to be undertaken by another, and being often interrupted by returns of his disease, which left him without the hope of an early completion of his object, he gave it up.

From long habits, he was an early riser, and continued to be so, during his many years of suffering, till almost their close. He wrote with great perspicuity. He spoke and read the French and German languages with facility, and he had a tolerable acquaintance with the Spanish, Portuguese and Italian. He had read a great deal at times when his active duties permitted any leisure—and took par-

ticular pleasure in the study of military geography. Early habits had given him a taste for the profession in which he first began his public life; he retained a strong recollection of all he had then seen and been taught, and he never went to sea, that he did not keep the ship's reckoning.

In conversation he was cheerful; his memory was excellent, and his judgment sound. His character was frank, his manner courteous, and no one was more firm in his friendships, or more affectionate to all his relations. In every situation in which he was placed, he upheld moral rectitude; yet he was indulgent to the errors of others, and his religion, though he was punctilious in the discharge of its duties, was without ostentatious display.

THE SCIENCES AND ARTS.

Russian Voyage of Discovery.

—A Letter from Dr. Martens, Botanist to the expedition, contains the following particulars:—"Our ship, the '*Siniävin*,' sailed from the harbour of St. Peter and St. Paul on the 19th of October, 1827, and arrived on the 22nd of November off the island of Ooalan, which was re-discovered by captain Duperey, in the '*Coquille*,' in 1824; where we found a people, in the purest state of nature. Not a single weapon, nor any thing resembling a weapon, was met with in the whole island. The complexion of the natives is of a bright brown, the arms and the thighs tattooed, their hair in a bunch braided together upon the head, and adorned with flowers; their features resemble those of the Malays. Our naturalists found them most faithful guides on their excursions, and the most careful keepers of the insects and plants which they collected. One of their chiefs, named Sipa, offered them his dwelling for their residence; and here also they had an opportunity of making themselves acquainted with the domestic arrangements of the inhabitants. The Ooalanese are particularly distinguished from the inhabitants of the other Carolines, by being entirely free from the propensity to stealing. They treat their women with great kindness and affection. We could not obtain any clear

notions of the religion of these people. Their diet consists of bread-fruit, banians, sugar-cane, cocoa-nuts, fish, snipes, pigeons, and some wild fowl. As far as we could learn, the island is divided into between forty and fifty districts, each of which contains several villages, and belongs to a chief. Several of these chiefs live on a small island, separated from the rest of the inhabitants. One of them was treated with particular reverence: he might be considered, in some measure, as the king of the whole. After remaining three weeks among these people, the '*Siniävin*' continued its voyage on the 20th of December. On the 2nd of January, 1828, they discovered a new group of islands, the highest and also the largest of all the Carolines, except the Pellew Islands. The ship cruised eight days among these islands; but no attempt to land was made, because the inhabitants appeared very hostile. When the '*Siniävin*' put out a boat, to look for an anchorage or landing-place, it was immediately surrounded by other boats, the crews of which used very menacing gestures. They carried short spears, headed with teeth of the saw-fish, and a sling made of plaited rushes. When pistols charged only with powder were fired at them, they made no impression on them, and yet every thing indicated that these natives

had never before seen Europeans. Their hair was rather short, and beautifully curled: they wore about their waist a girdle, with very deep, dark-red fringe; this girdle covered a part of the breast, and was fastened on one shoulder." Notwithstanding the beautiful appearance of these fine lofty islands, captain Lütke would not attempt to land; because it was evident that it could not be done without bloodshed. The naturalists were, therefore, disappointed of their expected harvest, and the 'Siniävin' proceeded on her voyage. A dog was all that they carried away. The letter continues:—"On the 13th of January we descried Los Valientes—low, miserable islands; the wretched inhabitants of which did not appear even to possess boats. On the 18th we arrived off the Mamuricks; and on the 23rd, off Mortlock islands (discovered in 1796), the natives of which appeared very amiable and civilised, which is probably to be attributed to their intercourse with the other Carolines and with Manilla. Their ships are calculated for long voyages, and are provided with compasses. An unexpected sight here was an English three-masted ship, the 'Partridge' whaler, which, like many others of that class, has since 1823 visited the coast of Japan, in pursuit of spermaceti whale. As this ship had been almost as long absent from Europe as the 'Siniävin,' the crew could not give us any news: however, mutual visits were paid, which could not be otherwise than agreeable in this distant part of the world. On the 2nd of February we discovered the island of Rug: and on the 8th, Union Island. On the 17th, the 'Siniävin' arrived in the harbour of Caldera de Apra,

where she remained till the 7th of March, during which time the Spanish governor showed us every kind of attention and politeness. On the 30th of March we cast anchor off the island of Ooropick, and this was the termination of our voyage, after five months cruise, in the tropical regions. On the 18th we discovered the bleak and barren rocks of the island of Rosario, or Disappointment; and on the following day we were fortunate enough to see the beautiful islands of Bonin, which had been previously discovered, but whose existence was afterwards doubted, as Krusenstern could not find them. The 'Siniävin' had been anticipated in this re-discovery by the English sloop the 'Blossom,' which had been sent to meet captain Franklin in Behring's Straits: a board which it had left, showed that captain Beechey, the commander, had taken possession of the islands the preceding year, in the name of his Britannic Majesty. In one of these islands, which was otherwise wholly uninhabited, captain Lütke found two Europeans, living in great distress; a Prussian, Charles Wettrin, of Königsburg; and John Peterson, a Norwegian, who had served on board an English ship which was wrecked on this island in 1826, but the crew of which happily got on shore. Another English ship, which arrived six weeks afterwards, took the crew on board; but left Wettrin and Peterson behind, who wished to save as much from the wreck as possible, but received a promise that they should be taken off by the last ship in its return from the coast of Japan. This promise, however, was not fulfilled; and captain Lütke took them with him. These islands may become very

useful and important to Kamtchatka. The climate is extremely fine, and the plants and fruits of the torrid and temperate zone flourish equally well. A few hogs, which had been left by the stranded ship, have increased to the amount of several hundreds. The turtles were so numerous and close together in the bays, that the strand looked as if it were paved with them. There was also an abundance of the finest fish. Fourteen days that we spent here afforded the naturalists an ample harvest. On the 28th of May, the 'Siniävin' arrived again in the harbour of St. Peter and St. Paul.

In the middle of June, 1828, the Siniävin left, for the second time, the harbour of St. Peter and St. Paul, and sailed on its voyage to examine Behring's Straits. From the centre of Avatscha Bay they had a view of five immense mountains, which rise, insulated and steep, above some lower eminences. One of these mountains, the Karazkaja, which is but little inferior in elevation to the Peak of Teneriffe, as it measures 11,468 feet, constantly emits columns of smoke from its northern side, though profound silence and tranquillity prevail in its interior. This is not the case with its next neighbour, the Avatschankaja (the burning), whose top, enveloped in thick clouds of smoke, threw out, so recently as last year, immense masses of fire, and spread terror and consternation among the inhabitants. The lowest mountain, which slopes down to the sea-coast, is the Kaselskaja. But the most gigantic of them, which is visible at a distance of 160 sea miles, and which, at the same time, announces the terrible revolutions which this peninsula has undergone, is the

Kluschefskaja, or Kamschatskaja, which has but very lately thrown out ashes and lava. Its summit, which is involved in thick clouds of smoke, is more elevated than that of Mont Blanc, being 16,542 feet above the level of the sea. But the Swiss mountain must make a very different impression from that which this Asiatic volcano excites, because the latter rises immediately from the ocean, while the foot of Mont Blanc is concealed by considerable mountains which stand before it.—On the 23rd of June, they reached the rocky island of Kavaga, in lat. $58^{\circ} 59'$ north, which has no trees, but is covered with thickets, that afford a retreat, but very seldom disturbed, to innumerable bears, foxes, and marmots. In the bay of the same name is the small and almost inaccessible island, called Werchaturafskaja, where the valuable black foxes are said to abound.—On the 11th of July they observed Cape Thadeus, which forms the southern point of the Sea of Anadir, and was found by observation to be in $61^{\circ} 40'$ north latitude.—On the 14th they descried the snowy plains of the island of St. Lawrence; on the 15th they enjoyed the view of both continents at once on Gwosdeff Islands which lie between them; and on the 16th they cast anchor in St. Lawrence Bay, in lat. $65^{\circ} 37'$. Here they, for the first time, had some intercourse with the Tchoukches, a fine vigorous race of men, who received them very kindly, and during their temporary stay kept up a most friendly intercourse with them. This nation is usually divided into two tribes, distinguished by the name of the Sitting, and the Reindeer Tchoukches. The former dwell in the most sterile spots on the sea-coast, and in their leather

boats navigate the ocean, which affords them every thing they need. The sea furnishes them the materials for their boats, their houses, and their clothing; food, arms and fuel, by the capture of whales, walrusses, and seals. The Reindeer Tchoukches traverse the continent with their numerous herds; they differ both in language and manners from the others. They are far more warlike, but carry on in an amicable manner the intercourse and trade between the Russians living on the Kolyma and elsewhere, and the tribes dwelling on the coasts, the produce of whose fishery is absolutely necessary to them. There is no difference between the two tribes, either in external appearance or in dress. The intercourse with the Russians is indispensable to both, partly to obtain iron and copper goods, and partly, and indeed chiefly, for tobacco, of which both sexes are passionately fond. For a few leaves of Russian tobacco and some needles, any thing may be obtained from them. Thick fogs prevented them from continuing their operations on the coast. After cruising about a long time, they at length cast anchor, on the 27th, at the entrance of the Bay of Metschigmski, intending, as it was then late in the day, to enter the port next morning; but a very violent wind blowing from shore would not permit it; and after losing a whole day, they found it necessary to abandon the attempt, and steer to the south, having little time to spare. In lat. $64^{\circ} 47'$ they came to an apparent inlet, which had been already observed by Clarke. They immediately sent out boats to look for a harbour, in which they succeeded. The following day the naturalists made an excursion, and convinced

themselves that what had hitherto been taken for a part of the continent, was in fact an island.—On the 29th they changed their anchoring-place, and perceived, from the hills, that they were in a considerable channel, formed by two large islands and the continent of Asia. This channel, which contains a number of excellent harbours, received the name of Siniävin Strait; and in the time that intervened to the 6th of August, it was accurately surveyed by the captain and the officers. Cape Mertens forms the southern entrance of this channel, which, ever since the time of Cook, has been taken for a bay. Here they left Behring's Straits, sailed on the 9th of August round Cape Ischakotzk, and were again in the Sea of Anadir.—On the 14th they were off a cape where Behring had been exactly a hundred years before, on the same day at noon; for which reason captain Lütke called it Behring's Cape.—On the 16th they reached the great, and hitherto undescribed, bay of the Holy Cross, where they remained till the 5th of September, and made an accurate survey of it; from which it appeared, that it extended farther to the north than East Cape in Behring's Straits, and reached the polar circle. Here, however, the winter overtook them with all its northern terrors—violent storms, heavy snow, and thick fogs; and they were compelled, to their great regret, to leave these dangerous coasts, on which they had remained longer than any preceding navigators. It was not till the 23rd that they arrived in the harbour of St. Peter and St. Paul. They intended to put to sea again on the 28th of October, to survey some of the western Carolines, and then return to Eu-

rope by the way of Manilla and the Straits of Sunda. Not a single man had died on board the *Siniävin* during this long voyage.

Ascent of the Jungfrau.—On the 10th of September, 1828, the summit of the Jungfrau was reached by seven hunters or shepherds of the village of Grindelwald, named Peter and Christian Roth, Peter and Christian Baumann, Ulrich Widmer, Peter Moser, and Hildbrand Bürgner. On the 8th, furnished with pikes, ropes, ladders, and a red and white flag, they began to ascend the glacier, which is situated between the Grand Eiger and Mettenberg; then turning to the right they rested all night under an arch of rocks, on the southern side of the Grand Eiger. On the 9th, they crossed the summits of the Viescherhorn, then descended again upon the glacier of Aletsch, and slept behind some rocks, which have fallen from the Twisteraarhorn, having the Mönch to the right. On the 10th, still turning to the right, they scaled and followed the ridge which descends from the Jungfrau towards the Breithorn. There they found several wide crevices, which they crossed with the assistance of a ladder. The ice was so steep in this place that they were obliged to cut steps in it for two hours. At length, about four o'clock, they arrived on the plane of the highest summit, and in half an hour more had ascended the small conical rock which crowns it. There they planted their flag, to the depth of two feet, in the ice, where it was still seen several days after from the village of Interlaken. The same evening they returned to sleep at the rocks of the Finsteraarhorn, on the glacier of Aletsch, and on the 11th at noon, returned to Grindelwald.

Plurane, a new metal discovered in the Platina of the Oural Mountains. By Mr. Osann.—The platina, decomposed by aqua regia and remaining insoluble in that acid, is treated by potash, and then dissolved in water. By repeating this operation three times, a residue is obtained no longer exhibiting a metallic appearance. Precipitated by nitric acid, and reduced to one half by distillation, it gives long prismatic crystals, of a white colour, inclining a little to red, and remarkable for their great brilliancy. Exposed on charcoal to the flame of the blow-pipe, they are speedily decomposed; one part sublimes, whilst the other is reduced into a metallic globule. By adding a little muriatic acid to the aqueous solution, and plunging in a bar of zinc, the latter is soon covered with a dark grey pellicle of reduced metal. Heated in a glass tube closed at one end, these crystals sublime in small brilliant needles, without leaving any residue. These crystals form the new metal to which the author has given the name of plurane.

Optical Discovery.—Dr. Forter has discovered a very curious method of discriminating between original and reflected light. He found, in trying some experiments with imperfectly achromatic refracting telescopes, that when the object glass was made to vibrate in such a manner as to change perpetually and rapidly the inclination of its plane with respect to the celestial object viewed, a separation of the prismatic colours was the consequence. When such a gyrating motion was given to the glass, as to occasion the star viewed to appear like a circle of light, the said circle was also divided into alternate dark, white, and coloured

portions of arcs, making a sort of parti-coloured ring. In the star Sirius, the white and the blue, colour prevailed, and the dark interstitial spaces were small; in Lyra, Aquila, and Spica Virginis there appeared still more blue, while the vermilion preponderated in Betalgeus and Aldebaran, and the orange in Arcturus. Capella had much yellow light. What is remarkable is, that in the spectrum of the planets no colours were refracted by this method; notwithstanding their colours were separated when a prism was fixed to the eye-glass of a telescope, as has been before described.

Silk a protection against Malaria.—A silk covering, of the texture of a common handkerchief, possesses the peculiar property of resisting the noxious influence of malaria, and of neutralizing its effects. If, as is supposed, the poisonous matter is received through the lungs, it may not be difficult to account for the action of this very simple preventive. It is well known that the nature of malaria poison is such that it is easily decomposed by feeble chemical agents. Now, it is probable that the heated

gas which proceeds from the lungs, forms an atmosphere, within the gauze veil of silk, of power sufficient to decompose the miasma in its passage to the mouth; although it may be true that the mechanical texture of the silk covering may act as a non-conductor, and prove an impediment to the transmission of the deleterious substance.

Vesicular Calculus in a Horse.—The lateral operation of lithotomy has been recently performed with complete success, at the Royal Veterinary College, by the assistant professor, W. Sewell, esq. The operation took place on the 26th of February, and occupied twenty minutes. The calculus is of the mulberry kind, very rough, of a depressed oval form, weighing three ounces: it is composed principally of carbonate of lime, some phosphate of lime, and a little phosphate of magnesia. The horse became tranquil and cheerful immediately after the operation; and in three weeks was exercised daily and fit to be discharged. Only three operations of this kind had been performed previously to this case, and they had uniformly failed.

P A T E N T S.

W. Parr, Union-place, City-road, and J. Bluett, of Blackwall, for a new method of producing a reciprocating action, by means of a rotatory motion, to be applied to the working of all kinds of pumps and other machinery, in or to which reciprocating action is required, or may be applied.

G. Rodgers, Sheffield, J. C. Hobson, of the same place; and J. Brownill of the same place, for improvements on table-forks.

O. H. Williams, North Nibley, Gloucester, for improvements in the paddles

and machinery for propelling ships and other vessels on water.

S. Gritton, Pentonville, Middlesex, for an improved method of constructing paddles to facilitate their motion through water.

F. Neale, Gloucester, for a machine for propelling vessels.

W. Taft, Birmingham, for improvements in, or additions to, harness and saddlery, part or parts of which improvements or additions are applicable to other purposes.

A. Robertson, Liverpool, for improve-

ments in the construction of paddles for propelling ships, boats, or vessels on water.

J. Deakin, and T. Deakin, Sheffield; for methods of making from horns and hoofs of animals, various articles; namely, handles of knives, handles and knobs of drawers, and other parts of cabinet and household articles, curtain-rings, bell-pulls, door-handles and knobs, key-hole escutcheons or coverings, and door and window-shutter finger-plates, knobs and handles; all or any of which articles are to be so made of one or more pieces of horn or hoof, of any shape or device, plain or ornamental, or inlaid or conjoined with any kind of metal or other material.

J. Dickinson, Nash Mill, Abbots Langley; for a new improvement in the method of manufacturing paper by machinery, and also a new method of cutting paper and other material into single sheets or pieces, by means of machinery.

T. Smith, Derby, for an improved piece of machinery, which, being combined with parts of the steam-engine or other engines, such as pumps, fire-engines, water-wheels, air-pumps, condensers, and blowing-engines, will effect an improvement in each of them respectively.

J. C. Hewes, Manchester, for various improvements in the form and construction of wind-mills, and their sails.

J. Udney, Arbour Terrace, Commercial Road, for improvements on the steam-engine.

W. E. Cochrane, Regent-street for an improvement in or on paddle-wheels, for propelling boats and other vessels.

J. M. Ross, Symond's Inn, for an improved tap or cock for drawing off liquids.

J. H. Caney, Clerkenwell, for improvements in the construction of umbrellas and parasols.

J. Fraser, Limehouse, for a new arrangement of a flue or flues to communicate with the various parts of culinary apparatus, such as steam, soup, or water boilers, oven or ovens, hot plate or plates, hot closet or closets, and stewing stove or stoves, to render them more compact, and to appropriate part of the said apparatus to effect other useful purposes.

J. Braithwaite, and J. Ericsson, New-road, Fitzroy-square, for a mode or method of converting liquids into vapour or steam.

R. Parker, Hackney, for an improved drag apparatus, which is applicable to stage coaches, and other wheel carriages, and whereby the motion thereof may be retarded or stopped when required.

J. Rayner, King's-square, St. Luke, Middlesex, for improvements in apparatus and machinery for conducting heat, and applying the same in the operation of washing, scouring, cleansing, fulling, dressing, dyeing, and finishing woollen cloths, and in calendering, staining, glossing, polishing, and finishing silks, cottons, linens, woollens, and all other goods, to which the same may be applicable.

J. Humphrey, Tally hill, Worcester, for improvements in steam-engines, and machinery connected therewith, to propel steam-boats and other vessels, some parts of which improvements are applicable to other purposes.

A. Daninos, Leman-street, Goodman's-fields, for improved hats, and bonnets in imitation of Leghorn straw hats and bonnets (communicated to him by a foreigner.)

J. Burgis, Maiden-lane, Covent Garden, ornamental paper manufacturer, for a method or methods of gilding or silvering certain woven fabrics, in burnished, or burnished and dead or matted gold, or silver, and which fabrics may be used as gold, or silver, and laced borderings, and for other purposes.

R. Green, Blackwall, for improvements in the construction of made masts.

W. H. Kitchen, High-street, Bloomsbury, and A. Smith, York-terrace, Westminster, for improvements in the construction of window-frames, sashes, or casements, shutters, and doors designed to afford security against burglars, as well as to exclude the weather.

E. Heard, Devonshire street, Lambeth, for improvements in illumination, or producing artificial light.

S. Walker, Beeston, Leeds, for an improved apparatus which he denominates "an operameter," applicable to machinery for dressing woollen or other clothes.

G. Haden, Fronbridge, Wilts, for improvements in machinery for dressing cloths.

W. Storey, Morley, York, and S. Hirst, of the same place; for materials which when combined, are suited to be employed in scouring, milling, or fulling, cleansing, and washing of cloths

and other fabrics, and by the employment of which material considerable improvements in those purposes are effected.

R. Hall, Plymouth, for a composition applicable to certain fabrics or substances from which may be manufactured boots, shoes, and various other articles.

J. W. Wayte, Drury-lane, Middlesex, for improvements in printing machinery.

W. Church, Bordesley Green, Warwick; for improvements in buttons, and in the machinery or apparatus for manufacturing the same.

W. Madeley, Yardley, Worcester, for an apparatus or machine for catching, detecting, and detaining depredators and trespassers, or any animal, which he denominates the human snare.

J. Lambert, Liverpool-street, London; for an improvement in the process of making iron applicable at the smelting of the ore, and at various subsequent stages of the process up to the completion of the rods or bars, and for the improvement of the quality of inferior iron.

W. Prior, Albany Road, Camberwell, for improvements in the construction and combination of machinery for securing, supporting, and striking the top-masts and top-gallant masts of ships and other vessels.

J. Lihou, Guernsey, for an improved method of constructing ship's pintles for hanging the rudder.

B. Cook, Birmingham; for an improved method of making rollers or cylinders of copper and other metals, or a mixture of metals, for printing of calicoes, silks, cloths, and other articles.

J. Wright, Newcastle-upon-Tyne, soap-maker; for improvements in condensing the gas or gases produced by the decomposition of muriate of soda, and other substances, which improvements may also be applied to other purposes.

P. Pickering, native of Frodsham, Cheshire, and now domiciliated in Dantzic, and W. Pickering, of Liverpool; for an engine or machinery to be worked by means of fluids, gases, or air, on shore or at sea, and which they intend to denominate Pickering's Engine.

J. Davis, Lemon-street, Middlesex; for improvements in the condenser used with the petitioner's apparatus for boiling sugar in vacuo, for which a patent was granted to him the 29th day of

March, 1828, entitled "an improvement in boiling or evaporating solutions of sugar and other liquids." (communicated by a foreigner.)

H. R. Palmer, of the London Docks, Middlesex; for an improvement or improvements in the construction of warehouses, sheds, and other buildings, intended for the protection of property.

G. W. Lee, Bagnio-court, Newgate-street; for improvements in machinery for spinning cotton, and other fibrous substances (communicated by a foreigner.)

H. Bock, Ludgate Hill; for improvements on machinery and apparatus for embroidering or ornamenting cloths, stuffs, and other fabrics (communicated by a foreigner.)

J. Dutton, jun., of Wotton-under-Edge, clothier; for improvements in propelling ships, boats, and other vessels or floating-bodies, by steam or other power.

M. Dick, Irvine, in the county of Air, N.B.; for an improved rail-road, and method of propelling carriages thereon by machinery, for the purpose of conveying passengers, letters, intelligence, packets, and other goods, with great velocity.

T. R. Williams, Norfolk-street, Strand; for improvements in the making or manufacturing of felt, or a substance in the nature thereof, applicable to covering the bottoms of vessels, and other purposes.

T. Arnold, Hoxton, Middlesex; for a new or improved machine or guage, for the purpose of denoting the quality or strength of certain fluids or spirituous liquors, and for measuring or denoting the quantity of fluids or spirituous liquors withdrawn from the vessel or receptacle in which the same are contained, and which machine or guage may be so constructed as to effect either of the above objects without the other, if required.

W. Poole, London; for improvements in machinery for propelling vessels, and giving motion to mills and other machinery.

C. T. Sturtevant, Hackney, Middlesex; for improvements in the process of manufacturing soap.

J. C. Daniell, Limpley Stoke, Bradford; for certain improvements in machinery applicable to dressing of woollen cloth.

R. Winans, Vernon, Sussex, and New Jersey, North America, resident in

London, for improvements in diminishing friction in wheeled carriages, to be used on rail and other roads, and which improvements are applicable to other purposes.

W. Mann, Effra-road, Brixton, for the application of compressed air to communicate power and motion to fixed machinery, and to carriages and other locomotive machines, and to ships, vessels, and other floating bodies.

A. Gottlieb, Jubilee-place, Mile-end-road, Middlesex; for improvements or additions to locks and keys.

J. Smith, Bradford, York, corn-miller; for improvements in machinery for dressing flour.

C. Brook, Mielham Mills, Huddersfield; for improvements in machinery for spinning cotton and other fibrous substances.

R. Porter, Carlisle, Cumberland; for improvements in the manufacture of heels and tips for boots and shoes.

F. Day, Poultry, London, and A. Munch, of the same place; for improvements on musical instruments (partly communicated by a foreigner.)

C. Wheatstone, No. 436 in the Strand, Middlesex; for a certain improvement or improvements in the construction of wind musical instruments.

M. Poole, Lincoln's-Inn, for improved machinery for preparing or kneading dough (communicated by a foreigner.)

E. Galloway, King-street, Southwark; for improvements in steam engines, and in machinery for propelling vessels.

J. Perkins, Fleet-street; for improvements in machinery for propelling vessels.

T. Kilby, Wakefield, and H. F. Bacon, Leeds; for an improved gas lamp or burner.

R. Crabtree, Halesworth; for apparatus for propelling carriages, vessels, and locomotive bodies.

W. North, Guilford-place, Kennington; for an improved method of constructing ceilings and partitions for dwelling-houses or other buildings, to render them more secure against fire.

M. Knowles, Battersea; for an improvement in axletrees.

G. K. Scolthorpe, Chelsea; for improvements in axles and axletrees, and coach, and other springs.

J. C. Daniell, Limpley Stoke, Bradfield, Wilts; for improvements in machinery for dressing woollen cloth.

W. Leeson, Birmingham; for im-

provements in harness and saddlery, which are partly applicable to other purposes.

T. Salmon, Stokeferry, Norfolk; for an improved malt-kiln.

W. Ramabottom, Manchester; for improvements in power-looms for weaving cloth.

W. Poole, Lincoln's Inn; for improvements in apparatus for raising and generating steam, and currents of air in the application thereof.

J. Chesterman, Sheffield; for improvements on machines or apparatus for measuring land and other purposes.

G. Straker, South Shields; for an improvement in ships' windlasses.

L. Quetin, Great Winchester-street, London; for a new or improved vehicle, or combination of vehicles, for the carriage or conveyance of passengers, and also luggage and goods; constructed upon a principle of security against overturning or upsetting, and possessing other advantages, which he conceives will be of public utility (communicated by a foreigner).

F. H. N. Drake, Colyton House, Devon; for improvements in tiles for covering houses and other buildings (communicated by a foreigner).

J. Nicholls, Pershall, Staffordshire; for improvements in the lever, and the application of its power.

J. Bates, Bishopgate-street; for an improved method of constructing steam-boilers or generators, whereby the bulk of the boiler or generator, and the consumption of fuel, are considerably reduced (by a foreigner). Also for a new process or method of whitening sugars (communicated by a foreigner).

J. Hutchinson, Liverpool; for improvements in machinery for spinning cotton, silk, linen, woollen, and other fibrous substances (communicated by a foreigner).

N. Jocelyn, Newhaven, Connecticut, America; now residing in London, artist, for improvements in the preparation or manufacture of blank forms for bankers' checks, bills of exchange, promissory notes, post bills, and other similar instruments, or securities for the exchange or payments of monies, by which forgeries and alterations in the same are prevented or detected (communicated by a foreigner).

T. Bailey, Leicester; for improvements in machinery for making lace.

T. Brown, Birmingham; for an im-

proved coach, particularly adapted for public conveyance and luggage.

W. Shand, the Burn, Kincardineshire, Scotland; for an improvement or improvements in distillation.

J. M'Leod, Westminster; for improvements in preparing or manufacturing certain substances, so as to produce barilla.

J. Rowland and C. M'Millan, Heneage-street, Spitalfields; for a new or improved process or mode of constructing or making street-ways, carriage-roads, and highways in general.

T. H. Rolfe, Cheapside; for improvements upon the self-acting piano-forte.

E. Wicks, King's-road, Chelsea; for improvements in raising, lowering, or conveying, heated water or other fluids to various distances.

H. C. Price and C. F. Price, Bristol; for an improvement upon certain apparatus already known for the communicating of heat by means of the circulation of fluid.

J. Mushet, York Square, Regent's Park, for a medicine which his father, W. Mushet, late of York, in the course of his practice found of essential and peculiar benefit in gouty affections of the stomach, spasms, cramps, inflammation of the lungs, violent and confirmed coughs, pains after child-birth, and in other pains in the breast and bowels, beyond any other medicine or application in like cases.

J. Jones, Leeds; for improvements in machinery, or apparatus for dressing and finishing woollen cloths.

W. Roger, Norfolk-street, Strand; for improvements in the construction of anchors.

G. H. Manton, Dover-street, Piccadilly; for an improvement in the construction of locks in all kinds of fowling-pieces and fire-arms.

J. Tucker, Hammersmith, Middlesex; for improvements in the construction of cannon.

T. S. Brandreth, Liverpool; for a new method of applying animal power to machinery.

J. A. Fronzi, Upper Marylebone-street; for improvements on, or additions to, fire-places.

J. Soames, jun. Wheeler-street, Spitalfields; for a new preparation or manufacture of a certain material produced from a vegetable substance, and the application thereof to the purposes of supplying light, and other uses.

T. Morgan, Tipton, Stafford; for a new method of manufacturing or preparing iron plate, or black plates for tinning.

R. Torrens, Croydon; for certain apparatus for the purpose of communicating power and motion.

D. Lawrence, Strood; and J. Crundwell, Ashford; for improvements in apparatus to be applied to fowling-pieces and other fire-arms, in place of locks.

G. Harris, Brompton Crescent, Middlesex; for improvements in the manufacture of ropes and cordage, canvass, and other fabrics or articles, from substances hitherto unused for that purpose.

J. Milne, Edinburgh; for a machine or engine for dressing stones used in masonry, by the assistance of a steam-engine, a wind, a horse, or a water power, whereby a great quantity of manual labour will be saved.

J. Aitchison, Glasgow; for improvements in the concentrating and evaporating of cane juice, solutions of sugar, and other fluids.

T. Cobb, Calthorpe House, Bradbury, Oxford, for improvements in the manufacture of paper, intended to be applied to the covering of walls, or the hanging of rooms, and in the apparatus for effecting the same.

T. Westwood, Prince's Street, Leicester-square; for improvements in watches and time-keepers.

I. Brown, Gloucester-street, Clerkenwell; for improvements applicable to watches and other horological machines.

H. Tyler, Warwick-lane; for improvements in the construction of water-closets.

J. Moore, Bristol; for new or improved machinery for propelling carriages, also for propelling ships, vessels, or other floating bodies, and for guiding propelling carriages, and apparatus for condensing the steam of the steam-engine, after it has propelled the steam-engine piston.

W. Rodger, Norfolk-street, Strand; Lieut., Navy, for improvements in the construction of cat-head stoppers.

T. Banks, Patricroft, Lancaster; for improvements in steam-engines.

P. Descroizilles, Fenchurch-street; for improvements in apparatus for removing the down from cotton and certain other fabrics, by singeing.

W. Church, Haywood House, near Birmingham; for improvements in machines for propelling vessels and

other machines capable of being propelled by steam, and in boilers applicable to the same, and also to other purposes. Ditto, for improvements in, on, or upon instruments for sharpening knives, and other edge tools, and in the machinery or apparatus for manufacturing the same.

T. J. Fuller, Limehouse; for an approved mechanical power, applicable to machinery of different descriptions.

G. Danre, Birmingham; for a self-acting air or gas regulator, or stop-cock, for governing the flow of air or gas, which may be applied to other purposes.

J. M'Curdy, Great James-street, Bedford-row; for improvements in the method of constructing mills and mill-stones for grinding (communicated by a foreigner.)

J. Viney, Piccadilly, colonel in the Royal Artillery; for improvements in steam-boilers and in carriages, or apparatus connected therewith.

J. Tucker, Hammersmith; for an exploding shot or projectile.

J. Stewart, George-street, Euston-square, piano-forte maker; for improvements on piano-fortes.

J. Cowderoy, Britannia-street, City-road; for improvements in machinery for making bricks.

F. Nash, Stoneason, near Wells; for improvements in the manufacture or application of silks mixed or combined with other articles.

W. Gooch, Mount-street, Berkeley-square; for improvements on baths of different descriptions, which improvements are applicable to other purposes.

D. Macdougall, Edinburgh, horticulturist; for improvements on or addi-

tions to syringes applicable to garden and other purposes.

T. Osler, Birmingham; for new improvements in the construction of glass and metal chandeliers, and other articles for ornamental lighting.

J. Gibbs, Crayford Mills, Kent; for improvements in machinery for cutting marble, wood, and other substances.

J. W. Dodgson, Lower Shadwell, in the county of Middlesex, pump and engine maker; for certain improvements in ship's scuppers, and which may be applied to other purposes.

T. Gethen, Furnival's Inn; for improvements in dressing woollen cloths.

W. Clutterbuck, Oylebrook, near Stroud; for improvements in the shears used for cutting or cropping of woollen cloth and other fabrics requiring shearing.

F. Wesby, Leicester; for an improved apparatus to be used for the purpose of whetting or sharpening the edges of the blades of razors, penknives, or other cutting instruments.

J. Marshall, Southampton-street, Strand; for a method of preparing or making an extract from cocoa, which he denominates "Marshall's Extract of Cocoa."

B. Goulson, Pendleton, near Manchester, for improvements in the manufacturing of farina and sugar, from vegetable productions.

C. Derosne, Leicester-square; for improvements in extracting sugar, or syrups, from cane juice, and other substances containing sugar, and in refining sugar and syrups (communicated by a foreigner.)

P O E T R Y.



THE BANKS OF THE DOVE.

By MICHAEL THOMAS SADLER, Esq. M.P.

(Written on leaving my native Village in early youth.)

1.

ADIEU to the banks of the Dove !
My happiest moments are flown ;
I must leave the retreats that I love,
For scenes far remote and unknown :
But wherever my lot may be cast,
Whatever my fortunes may prove,
I shall dwell on the days that are past,
And sigh for the banks of the Dove.

2.

Ye friends of my earliest youth,
From you how reluctant I part !
Your friendship was founded on truth,
And shall ne'er be erased from my heart :
Companions perhaps I may find,
But where shall I meet with such love ?
With attachments so lasting and kind,
As I have on the banks of the Dove ?

3.

Thou sweet little village farewell !
Every object around thee is dear ;
Every woodland, and meadow, and dell,
Where I wandered for many a year :
These scenes which could rapture impart,
These seats of contentment and love,
And thee ! the dear home of my heart
I leave ;—and the banks of the Dove !

4.

The hours of my childhood are past,
 They seem even now as a dream ;
 They glided as peaceful, as fast,
 As the waves of this beautiful stream ;
 They fled but their memory remains,
 Nor shall from my bosom remove ;
 As the fugitive flood still retains
 Reflected the banks of the Dove.

5.

But I go ! for the Dove's crystal wave
 Now murmurs commix'd with my tears ;
 My mother is laid in her grave,
 Where yon hallow'd turret appears :
 Ye villagers think of the spot,
 And lay me beside her I love ;
 For here in my birth place forgot,
 I'll sleep on the banks of the Dove.

6.

Till then in the visions of night,
 O may her lov'd spirit descend ;
 And tell me, though hid from her sight,
 She still is my guardian and friend !
 The thought of her presence shall keep
 My footsteps when tempted to rove,
 And sweeten my woes while I weep
 For her, and the banks of the Dove !

 BOSTON CHURCH.

By JOHN CLARE, the Northamptonshire Peasant.

MAJESTIC pile ! thy rich and splendid tower
 O'erlooks the ocean with aspiring pride,
 Daring the insults rude of wind and shower,
 And greeting them with presence dignified.
 Firm as a rock yet seems thy massy power,—
 Though thou hast seen Pride's mightiest thrust aside,
 And ages crumble at thy feet in dust,
 And the proud sea claims as her rightful dower
 Wrecks of its thousand ships, to hold in trust

As dark oblivion's harvest of the storm ;—
 Yet waves may lash, and the loud hurricane
 Threaten thy cloud-capt dwelling, and deform
 The sky in glooms around thee :—all is vain ;
 Empires may pass away, but thou'lt remain.

Smiling in sunshine as the storm frowns by,
 Whose dreadful rage seem'd to thy quiet thrall
 As small birds' twitterings that beneath thee fly :
 Winds call aloud, and they may louder call ;
 For deaf to danger's voice, sublime and grand
 Thou towerest in thy old majesty o'er all.
 Tempests, that break the tall mast like a wand,
 Howl their rage weary round thee, and no more
 Impression make, than summer winds that bow
 The little trembling weeds upon thy wall.
 Lightnings have play'd around thy brow of yore,
 And left no footmarks :—so it seemeth now,
 Time proudly spares thee till that doom is hurl'd
 That sears the ocean dry and wrecks the world.

THE SONG OF THE NIGHT.

By MRS. HEMANS.

I come to thee, O Earth !
 With all my gifts :—for every flower sweet dew,
 In bell, and urn, and chalice, to renew
 The glory of its birth.

Not one which glimmering lies
 Far amidst folding hills or forest leaves,
 But, through its veins of beauty, so receives
 A spirit of fresh dyes,

I come with every star :
 Making thy streams, that on their noon-day track
 Gave but the moss, the reed, the lily back,
 Mirrors of worlds afar.

I come with peace : I shed
 Sleep through thy wood-walks o'er the honey-bee,
 The lark's triumphant voice, the fawn's young glee,
 The hyacinth's meek head.

On my own heart I lay
 The weary babe, and sealing with a breath
 Its eyes of love, send fairy dreams, beneath
 The shadowing lids to play.

I come with mightier things !
 Who calls me silent ?—I have many tones—
 The dark skies thrill with low mysterious moans
 Borne on my sweeping wings.

I waft them not alone
 From the deep organ of the forest shades,
 Or buried streams, unheard amid their glades,
 Till the bright day is done.

But in the human breast
 A thousand still small voices I awake,
 Strong in their sweetness from the soul to shake
 The mantle of its rest.

I bring them from the past :
 From true hearts broken ; gentle spirits torn,
 From crush'd affections, which though long o'erborne,
 Make their tone heard at last.

I bring them from the tomb :
 O'er the sad couch of late repentant love,
 They pass—though low as murmurs of a dove,
 Like trumpets through the gloom.

I come with all my train ;
 Who calls me lonely ?—Hosts around me tread,
 Th' intensely bright, the beautiful, the dread—
 Phantoms of heart and brain.

Looks from departed eyes,
 These are my lightnings ! fill'd with anguish vain,
 Or tenderness too piercing to sustain,
 They smite with agonies.

I that with soft control
 Shut the dim violet, hush the woodland song,
 I am th' Avenging One !—the Arm'd, the Strong,
 The searcher of the soul !

I that shower dewy light
 Through slumbering leaves, bring storms—the tempest birth
 Of Memory, Thought, Remorse :—be holy Earth
 —I am the solemn Night.

I N D E X.

[N.B. The figures with crotchets refer to the History.]

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